

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

102

CRM-M-33962 of 2021  
Date of decision: 23.02.2022

Narender

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Neeraj Yadav, Advocate  
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

**SUVIR SEHGAL, J. (Oral)**

Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.59 dated 17.03.2021 registered under Sections 346, 380, 506 of Indian Penal Code, 1860, however, Sections 420, 467, 468 and 471 IPC were added later on, at Police Station Kasola, District Rewari (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the complaint of Sajjan Kumar on the allegation that Narender (present petitioner) colluded with complainant's wife, who left her matrimonial home with her children and took her jewellery with her. The complainant has alleged that Narender Khatana threatened him with dire consequences and has kept his wife somewhere.

Counsel for the petitioner submits that in the year 2013, an FIR has been registered against the petitioner and he was convicted, which fact could not inadvertently mentioned in the petition. He submits that from a perusal of statement of wife of the complainant recorded under Section 164 Cr.P.C, it is evident that the petitioner is not involved in the alleged offence and has joined the investigation pursuant to order dated 20.08.2021 passed by this Court.

Heard counsel for the parties.

Vide order dated 20.08.2021, this Court granted interim bail to the petitioner and passed the following order:-

*“This is a petition that has been filed for grant of anticipatory bail in case FIR No.59 dated 17.03.2021 under Sections 346, 380 and 506 IPC (Sections 420, 467, 468 and 471 were also added later on) registered at Police Station Kasola, District Rewari (Hry).*

*Learned counsel for the petitioner herein would contend that he has been falsely implicated in the said matter. It is argued that the wife of the complainant voluntarily left the house as would be evident from the statement recorded under Section 164 Cr.P.C. before the Judicial Magistrate. In fact, she was recovered on 22.04.2021 and she has affirmed that she left the house on account of the fact that the husband was a drunkard. It is submitted that no recoveries are to be effected from him and he is ready to join the investigation.*

*Learned State counsel on instructions from HC Satbir affirms the fact that a statement under Section 164 Cr.P.C. has been recorded after the wife of the complainant was recovered.*

*Adjourned to 25.01.2022.*

*Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”*

Upon instructions from ASI Jitender Kumar, State counsel has affirmed the fact that the petitioner has joined the investigation and is no longer required for the custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

February 23, 2022  
savita

(SUVIR SEHGAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes    |
| Whether Reportable        | Yes/No |