

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(201)

CRM-M-26822-2019

Date of decision:- 05.05.2022

Ajay Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Govind Rana, Advocate for  
Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana  
for State-respondent No.1.

Mr. Viren Kalra, Advocate for  
Mr. Amit Sharma, Advocate  
for complainant-respondent No.2

...

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

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.125 dated 26.04.2019, registered for offences under Sections 406, 498-A, 307, 377, 506 and 120-B of the Indian Penal Code, 1860 (for short "IPC"), at Police Station Civil Lines, Sirsa, Annexure P-1.

FIR, Annexure P-1, has arisen out of a marital discord between the petitioner and complainant-respondent No.2.

While issuing notice of motion on 14.06.2019, this Court granted interim bail to the petitioner and directed him to join the investigation. It has

been stated by counsel for the petitioner that during the pendency of the instant petition, the matrimonial dispute has been settled, marriage has been dissolved by virtue of judgment and decree dated 12.03.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 and the entire permanent alimony of Rs.14.25 lacs has been paid to the complainant-respondent No.2. This fact has been confirmed by counsel representing complainant-respondent No.2.

Upon instructions received from ASI, Jagmeet Singh, State counsel submits that during investigation, Sections 307 and 120-B, IPC were deleted, challan is yet to be filed and some recoveries are to be effected from the petitioner, which are being disputed by counsel for the petitioner.

However, keeping in view the fact that the matrimonial dispute has been resolved, this Court is of the view that non-recovery of disputed items of dowry cannot be a ground to deny confirmation of the interim protection order passed by this Court.

In view of the afore-noticed situation, interim bail granted on 14.06.2019 is made absolute. This will be the subject to compliance of the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

05.05.2022  
Kamal

(SUVIR SEHGAL)  
JUDGE

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