

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M-38757-2021

Date of decision:- 21.09.2022

Saddam

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana
for State-respondent No.1.

None for respondents No.2 and 3.

...

SUVIR SEHGAL, J. (Oral)

As per office report, respondents No.2 and 3 have been served, but
there is no representation on their behalf.

On 17.09.2021, this Court passed the following order:-

“This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0091, dated 26.07.2021, registered under Sections 365, 34 of IPC at Police Station City Tauru, District Nuh.

Counsel for the petitioner herein would contend that Section 365 of IPC would not be applicable as the daughter of the complainant and the petitioner herein have performed nikah as would be evident from the nikhanama, dated 20.07.2021. It is submitted that even on 11.08.2021, the daughter of the complainant, who is arrayed as respondent No.3, aged 40 years, had appeared through the video conferencing and had stated that she is living with the petitioner after taking divorce from her previous husband and that a nikhanama had been duly executed.

Notice of motion for 21.02.2022.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, has put in appearance through the medium of video conferencing and accepts notice on behalf of the respondent-State. She would point out that the presence of respondent No.3 would be required in order for her statement to be recorded regarding the nikhanama itself.

Consequently, the petitioner herein is directed to join investigation with the stipulation that respondent No.3, who is purportedly residing with him after having solemnized marriage, would also put in appearance before the Investigating Officer and have her statement recorded.

Let notice be issued to respondents No.2 and 3 for the date fixed.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds 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 as provided under Section 438(2) Cr.P.C.”

Upon instructions received from ASI, Ombir, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. Upon further instructions, State counsel has affirmed that petitioner has married respondent No.3.

In view of the above, but without commenting upon the allegations levelled in the FIR, present petition is allowed.

Order dated 17.09.2021 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

21.09.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No