

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc.No.M-40178 of 2021
Date of decision: February 18, 2022**

(Heard through Video-Conferencing)

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Jai Krishan Singh, Advocate,
for the complainant.

MANJARI NEHRU KAUL, J.

The petitioner, who is the father-in-law of the complainant, is seeking anticipatory bail in FIR No.109 dated 01.09.2021, under Sections 498-A, 323, 406, 376, 511, 506, 34 of IPC (Section 377 of IPC added later on), registered at Women Police Station Central, Faridabad.

Learned counsel for the petitioner submits that totally false and fabricated allegations have been levelled by the complainant against the entire in-laws' family. Learned counsel further submits that the complainant has tried to rope in each of them by attributing some role or the other without there being any grain of truth much less any supportive evidence qua the said allegations. Learned counsel further submits that in compliance of the order dated 27.09.2021, the petitioner has joined the investigation and cooperated with the Investigating Agency, and Challan has also been presented qua the co-accused of the petitioner in the case in hand.

Learned State counsel, on instructions from ASI Suman, does not dispute the factum of the petitioner having joined investigation. She, on further instructions, submits that the petitioner has cooperated with the Investigating Agency in compliance with the order dated 27.09.2021 and, thus, his further investigation, much less, custodial interrogation is not required. Learned State counsel has not disputed that challan stands presented qua the co-accused, and submits that challan has not been presented against the petitioner on account of the pendency of the instant petition.

Learned counsel for the complainant has, however, opposed the prayer made by the petitioner for extending him the concession of anticipatory bail by reiterating the allegations levelled in the FIR. He submits that in view of the allegations levelled against the petitioner, his custodial interrogation be ordered.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances, as enumerated hereinabove, coupled with the fact that the petitioner has joined investigation and is not required for further investigation by the Investigating Agency, the petition is allowed and interim order dated 27.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

February 18, 2022

Satyawan

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No