

**CRM No.3276 of 2022 in/and
CRM-M-42599 of 2021**

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

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**CRM No.3276 of 2022 in/and
CRM-M-42599 of 2021
Date of decision:18.02.2022**

Vikram Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Siddharth, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.3276 of 2022

Prayer in the application is for preponement of hearing of the main case, which is fixed for 15.03.2022.

For the reasons given in the application, it is allowed.

Hearing of the main case is preponed from 15.03.2022 to today and it is ordered to be taken up on Board for hearing today itself.

CRM-M-42599 of 2021

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.319 dated 22.04.2015 registered under Sections 498-A, 406, 506, 323, 499, 500, 294, 509, 504, 34 of Indian Penal Code, 1860 and Section 67 of Information

Technology Act, 2000 at Police Station City, Yamuna Nagar, District Yamuna Nagar (Annexure P-1).

Counsel for the petitioner has filed 'Vakalatnama' with 'No Objection' from the previous counsel, which is taken on record.

Criminal law has been set in motion on the basis of complaint given by wife of the petitioner on the allegation that she is being harassed and ill-treated on account of non-fulfillment of demand of dowry. She has levelled allegations against the petitioner and his family members of misappropriation of *Istridhan*. It has also been alleged that the complainant has been thrown out of the matrimonial home and she has been granted maintenance under Section 125 Cr.P.C. which he is refusing to pay. An allegation has also been levelled against the petitioner that vulgar message was sent by him to the relatives of the complainant, wherein, he insulted the complainant as well as her entire family.

Counsel for the petitioner submits that the FIR is an outcome of marital discord between the parties and has been registered on false allegations after eight years of marriage. He submits that the petitioner was not aware of the FIR and vide order dated 18.12.2015, he was declared as Proclaimed Offender, he was later arrested and released on regular bail on 23.07.2019. However, counsel submits that the petitioner was again declared as Proclaimed Offender because he could not appear due to outbreak of the Pandemic. By relying on medical record, he contends that the petitioner is a patient of acute depression. Counsel submits that investigation qua petitioner is complete, challan has been presented and he

is no longer required for the custodial interrogation.

Per contra, State counsel upon instructions from HC Rajiv, has opposed the petition on the ground that the petitioner has been declared as Proclaimed Offender twice over. She submits that there are specific and categoric allegations against the petitioner in the FIR. Upon further instructions, she submits that examination-in-chief of the complainant has been recorded.

Having considered the circumstances of the case and keeping in view the fact that FIR is an outcome of marital discord, medical condition of the petitioner and that the trial is at an initial stage, this Court is of the view that the petitioner, who is in custody for the last more than 05 months, deserves to be enlarged on bail.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned, who may impose any other condition, it deems reasonable in order to preclude the petitioner from committing any default in future.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 18, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes