

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

209

(Through Video Conferencing)

CRM-M-45974-2021

Date of decision: 24.02.2022

Akash Ahuja

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

Mr. Amit Khatkar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner, who is the husband of the complainant, has filed the instant petition under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.0254 dated 13.10.2021 under Sections 323, 34, 406, 498-A, 504 and 506 IPC registered at Police Station Bass, District Hansi.

Learned counsel for the petitioner inter alia contends that the marriage between the complainant and the petitioner was a love marriage, which was solemnized on 18.01.2019. He submits that since it was the second marriage of the complainant, in addition to being a love marriage, there was no demand of dowry made much less any harassment as alleged meted out to her subsequent to their marriage. It has also been contended that in fact the complainant had developed illicit relations with one person, which came to the notice of the

petitioner-husband. Thereafter, when the complainant did not mend her ways, the petitioner was left with no other option but to file a divorce petition under Section 13(1)(i)(ia) of Hindu Marriage Act on 02.07.2021. Learned counsel while inviting the attention of this Court to Annexures P-5 and P-6 has submitted that in the said documents, the complainant had admitted to her mistake as well as sent an email to the petitioner apologizing for her conduct and behaviour. Still further, he has invited the attention of this Court to Annexure P-8, which was a complaint given by the petitioner to the police on 14.08.2021 against the complainant as she still did not mend her ways and rather threatened the petitioner with dire consequences. Learned counsel submits that it was in the aforementioned background, the complainant for reasons best known rather obvious lodged a false FIR against the petitioner and his family on 13.10.2021. Learned counsel further submits that in compliance of order dated 02.11.2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Sunita, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency.

Learned State counsel submits that as per instructions received by him, the petitioner is not required for further investigation much less for his custodial interrogation as recovery of all the dowry articles stands effected.

Learned counsel for the complainant has, however, opposed the prayer made by counsel opposite by reiterating the

allegations levelled in the FIR in question. He submits that in the wake of serious and specific allegations of physical and mental harassment alleged against the petitioner, he be not extended the concession of anticipatory bail.

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

Once the accused has joined investigation and the learned State counsel on instructions has apprised the Court that the petitioner is not required for further investigation, this Court would not decline him the concession of anticipatory bail. In the circumstances, the petition is allowed and interim order dated 02.11.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

24.02.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No