

CRM-M-47137 of 2021
Date of Decision:28.2.2022

Sagar

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner

Ms. Gaganpreet Kaur, AAG, Haryana

Mr. Vimal Kumar Gupta, Advocate
for the complainant

MANJARI NEHRU KAUL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 243 dated 15.8.2021 under Sections 354, 406,, 498-A and 506 IPC (Section 313 IPC added lateron) registered at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner submits that the petitioner is the brother-in-law of the complainant and has been falsely implicated in the case in hand on account of strained relations between the complainant and her husband. Learned counsel has submitted that initially the FIR was registered under Sections 354, 406, 498-A and 506 IPC and both the brother and mother of the petitioner were released on bail. However, subsequently for reasons but obvious Section 313 IPC was added by the police. It has been submitted that the allegations levelled to attract the mischief of Section 313 IPC on the face of it stand falsified from the report of the Medical

Officer, Civil Hospital, Kaithal which has been reproduced in para 6 of the petition. It has been submitted that there was nothing on record to show as to which doctor had carried out the abortion of the complainant and even the cause of the miscarriage as per the doctor could not be commented upon. Learned counsel states that pursuant to order dated 10.11.2021, passed by this Court, the petitioner has joined the investigation and co-operated during the investigation.

Learned State counsel on instructions from ASI Satpal, does not dispute the factum of the petitioner having joined the investigation and co-operated with the investigating agency. She, on further instructions states that the petitioner is not required for further investigation.

Learned counsel for the complainant while opposing the prayer of learned counsel for the petitioner has reiterated the allegations levelled in the FIR in question.

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

As the petitioner has joined the investigation and co-operated with the investigating agency, the petition is allowed and interim order dated 10.11.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

28.2.2022
PARAMJIT

Whether speaking/reasoned: Yes

Whether reportable : Yes/No