

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49275-2021
Date of Decision: 28.02.2022

PANKAJ KUMAR ... PETITIONER
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Johan Kumar, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

On 25.11.2021, following order was passed:

“Pankaj Kumar-petitioner is seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 166 dated 16.08.2021 under Sections 377/406/498-A/34 IPC, 1860, registered at Police Station Hassanpur, District Palwal.

Briefly, the FIR has been registered on the basis of the statement of Kirti-complainant whose marriage was solemnized with the petitioner on 25.11.2020. The present FIR has been lodged on account of matrimonial dispute which has arisen between the parties.

Learned counsel for the petitioner states that false allegations had been leveled in the FIR to the effect that the petitioner and his family members had been imputing the complainant to be a transgender, the complainant resided in the matrimonial house only for one night, the offence under Section 377 IPC has been deleted, all other accused except the petitioner and his father, namely, Parhlad have been found to be innocent and Parhlad-father of the petitioner has been granted pre-arrest bail in the Court of Sessions.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana accepts notice on behalf of the respondent-State.

Adjourned to 28.02.2022.

Meanwhile, it is directed that in the event of

arrest, the petitioner(s) be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he/they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation, his custodial interrogation is not required

Learned State counsel, on instructions from ASI Ash Mohammad, has not disputed the aforesaid factual position of the case and has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 25.11.2021 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

28.02.2022

Janki

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