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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52271-2021

Date of Decision: 15.02.2022

Vinod KumarPetitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...

(through video conferencing)

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. S.K.Arya, Advocate
for the complainant.

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MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.193 dated 26.10.2021 under Sections 323, 354, 376, 406, 498-A, 506, 511 and 120-B IPC registered at Police Station Kalka, District Panchkula.

Learned counsel for the petitioner inter alia contends that false implication of the petitioner in the case in hand is evident from the fact that even though parties were married way back in the year 2016, however, not even once was there any complaint made against the petitioner or his family with regard to the alleged mental and physical harassment, which finds reflected in the FIR in question. He has drawn the attention of this Court to Annexure P-4, which is a duly sworn in affidavit of the father of the complainant wherein he has categorically deposed that his daughter was

never subjected to any physical and mental harassment by the petitioner or

his family, much less for demand of dowry. He submits that had it been a case wherein the complainant had been given brutal and merciless beatings as alleged, there would have been at least some medical evidence to support the said allegations but admittedly there was no evidence whatsoever in the said regard. He further submits that the complainant has tried to drag her entire in-laws family by levelling false allegations including allegation of rape against her married brother-in-law, who too is residing in the same house with his wife and a child. It has also been submitted that her brother-in-law has since been extended the concession of interim bail by this Court vide order dated 02.12.2021 (Annexure P-6). He further submits that in compliance of order dated 15.12.2021 the petitioner had joined investigation and cooperated with the investigating agency. Therefore, the present petition be allowed.

Learned counsel for the State, on instructions from ASI Jasmeet Kaur, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigation agency. She submits that the petitioner is not required for further investigation much less for his custodial interrogation.

I have heard the learned counsel.

In the wake of the statement made by the learned State counsel, the instant petition is allowed and order dated 15.12.2021 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

15.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No

