

CRM-M-54714-2021

Date of decision: 11.02.2022

HITESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajit Singh Lamba, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Mr. Harish Marhia, Advocate has put in appearance on behalf of
respondent No.2/complainant and filed his Vakalatnama, which is taken on record.

Present petition is under Section 438 Cr.P.C. for seeking anticipatory
bail to the petitioner namely Hitesh in case FIR No. 489 dated 15.12.2021,
registered under Sections 354/506 IPC and Section 67 of the IT Act, 2000, at
Police Station Agroha.

On 31.12.2021, the following order was passed:-

*“Learned counsel for the petitioner submits that
petitioner has been falsely implicated in this
matter due to acrimonious relations of the
complainant with her in-laws after the unfortunate
death of her husband on 20.05.2021. It is further
submitted that the complainant is in fact the real
maternal aunt (Mami) of the petitioner. There is a
pending dispute of the complainant regarding ex-
gratia benefits of her deceased husband with her
parents-in-law. Petitioner, it is stated, has been
falsely implicated as he is posted as a Constable
serving the State of Haryana.*

Notice of motion.

Mr. Hitesh Pandit, Addl. AG, Haryana accepts notice on behalf of the respondent.

Mr. Kanhiya Soni, Advocate appears on behalf of the complainant and files his Memorandum of Appearance. Same is taken on record subject to just exceptions.

List on 11.02.2022 for arguments.

In the meanwhile, petitioner shall appear before the Investigating Officer and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner is the nephew of the complainant. The husband of the complainant has died on 20.05.2021 and there is pending dispute between the complainant regarding *ex-gratia* benefits with her in-laws. Furthermore, in pursuance of the interim directions by this Court, the petitioner has joined the investigation and his custodial interrogation is not required.

On instructions from Inspector Manoj Kumar, learned State counsel has not assailed the aforesaid factual aspects and further states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 31.12.2021, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

11.02.2022
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(VIVEK PURI)
JUDGE

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