

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1555-2023

Date of Decision: 24.02.2023

DEEPAK

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms. Dimple Jain, AAG, Haryana
assisted by ASI Sudesh Kumar.

JAGMOHAN BANSAL, J. (Oral)

On 12.01.2023 following order was passed:

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.125 dated 07.09.2021 (Annexure P-1), registered at Police Station Women Police Station, District Panchkula, under Sections 313, 323, 406, 498A and 506 of Indian Penal Code, 1860.

Learned counsel for the petitioner inter alia contends that complainant belongs to muslim community and petitioner belongs to Hindu community. It was a inter religion marriage which was performed after running away from their home. CRM-M-10722-2018 seeking protection of life and liberty was filed before this Court, thus, there was no question of demand of dowry. The complainant has alleged that petitioner was demanding Rs.1 lakh to purchase I-phone and bullet motor cycle which cannot be purchased with Rs.1 lakh. The complainant is living with the petitioner at her sister's home at Sector 15 Panchkula, thus,

there was question of torture or harassment by mother of the petitioner. There is no medical evidence of abortion. The co-accused i.e. elder brother and his wife have already been granted concession of anticipatory bail. The petitioner is an innocent person and he has not committed the alleged offence. The petitioner is not involved in any other offence. The petitioner is ready to join investigation and face trial. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion returnable for 24.02.2023.

Ms. Dimple Jain, AAG, Haryana, who is present in court on advance notice, seeks time to file status report.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics**, (2013) 2 SCC 590, **Arnab Manoranjan Goswami V. State of Maharashtra**, (2021) 2 SCC 427, **Satender Kumar Antil V. CBI** (2022) 10 SCC 51, **Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors.**, 2010 SCC OnLine SC 1375, **Shri Gurbaksh Singh Sibbia V. State of Punjab** (1980) 2 Supreme Court Cases 565, **Arnesh Kumar V. State of Bihar** (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before investigation officer on **19.01.2023** and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 12.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>