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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2527-2023 (O&M)
Date of decision : 15.11.2023

Neeraj Kumar ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ambanshu Sahni, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

Mr. K.P.S. Virk, Advocate and
Mr. K.S. Dhaliwal, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.619 dated 07.12.2022, under Sections 406, 498-A and 506 of Indian Penal Code, 1860 (IPC) registered at Police Station City Thanesar, District Kurukshetra, Haryana.

2. On 18.01.2023 the following order was passed :

“Prayer is for grant of anticipatory bail in case FIR No.619 dated 07.12.2022, under Sections 406, 498 and 506 of IPC, registered at Police Station City Thanesar, District Kurukshetra, Haryana.

Learned counsel for the petitioner submits that the

present FIR is a counter-blast to the divorce petition filed by the petitioner as the medical situation of the petitioner was concealed. He further submits that the allegations leveled in the FIR are vague and in fact, the alleged immovable properties are still in the name of the complainant. As regards the cash amount transferred in the account of the petitioner, it is submitted that the petitioner is ready and willing to return the same for which a copy of the demand draft has been annexed as Annexure P-7. It is clarified that although the demand draft is of Rs.6 lacs and the allegation with regard to amount transferred to the petitioner is Rs.9 lacs. Counsel for the petitioner submits that the petitioner is ready and willing to return the said amount of Rs.9 lacs also. He further submits that the petitioner is also ready and willing to return all the dowry articles, as detailed in the list given by the brother of the complainant, which is annexed as Annexure P-6.

Notice of motion.

Mr. Praveen Bhadu, Asstt. A.G., Haryana, accepts notice on behalf of the State.

In the light of the above, the petitioner shall join investigation on 24.01.2023 at 11:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter and hand over all the dowry articles along with a demand drafts of Rs.6 lacs+ Rs.3 lacs.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer

and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 13.04.2023.”

Thereafter on 26.07.2023 the following order was passed :

“Learned counsel for the State on instructions from HC Amrik Singh has pointed out that though the petitioner has joined investigation, however, he is not fully cooperating.

List on 19.10.2023.

Meanwhile, the petitioner is directed to re-join the investigations and cooperate with the Investigating Agency.

Interim order to continue.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has rejoined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from HC Amrik Singh, has stated that the petitioner has since rejoined investigation and has fully cooperated and that all articles stand recovered except for the educational certificates of the complainant. However, the complainant had gone to the residence of the petitioner and searched for the certificates which were not found and accordingly a DDR has been registered qua the missing certificate(s). Learned State counsel has further stated that the petitioner is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 18.01.2023 is made absolute. The petitioner shall, however, join investigation as and when

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called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

15.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO