

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-3254-2022(O&M)

Date of decision : 01.05.2023

Naresh Kumar and Ors.

..... Petitioners

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. L.S.Sidhu, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. G.S., Jagpal, Advocate for the complainant.

AMARJOT BHATTI J. (ORAL)

The petitioners-Naresh Kumar, Rohit and Raghav have filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 0570 dated 21.11.2021, under Sections 323, 354-B, 406, 498-A, 506 of IPC, registered at Police Station Sadar Thanesar, District Kurukshetra.

Earlier, Naresh Kumar father of the aforesaid petitioners had also filed anticipatory bail in the above said FIR but the same was dismissed as withdrawn as per order dated 25.04.2023.

The facts of the case are that the complaint Anuradha @ Anu Mahna has filed written complaint against her husband Naresh Kumar and others alleging that she performed marriage with Naresh Kumar and it was their second marriage. Both the parties were knowing this fact and the marriage was performed with their consent. After marriage they started cohabited in a house New Sant Nagar, Near Shiv Mandir, Jalandhar. No child was born out of this wedlock. At the time of marriage sufficient dowry was given by her parents as per the wishes of her husband and in-

laws family. Her parents had spent Rs.10 Lacs on marriage. The list of dowry articles is also enclosed with the FIR. After marriage, the behaviour and attitude of her husband and his family members changed altogether. She was taunted by saying that the dowry articles were of inferior quality. In the year, 2016 her parents had given cash of Rs.1 Lac and a Scooty (Activa). She was beaten up by all the accused in the matrimonial home. Even her clothes were torn and everybody was laughing on her. She has narrated the incident when she was beaten up by Raghav and Aditya sons of her husband from previous marriage. They even outraged her modesty. The accused No.1 procured a loan of Rs.2 Lacs in her name by cheating her. Ultimately, she filed the complaint and the present FIR has been registered.

Learned counsel for the petitioners No.2 and 3 argued that they are the sons of Naresh Kumar from first marriage. The complainant has levelled false allegations against the entire family. They are ready to join the investigation. During the pendency of this case, they have placed on record, the photographs (Annexure P-8) when police visited their house. It is argued that they are ready to cooperate with the investigation. Therefore, their anticipatory bail may be allowed.

The bail application is opposed by learned counsel representing the State as well as counsel for the complainant alleging that dowry articles are yet to be recovered. As per MLR of complainant she had suffered injuries on her body. The petitioners are required to be joined in the investigation. Copy of MLR is also placed on record. Therefore, anticipatory bail filed by the petitioners may be declined.

I have considered the arguments and have gone through the record.

The present petitioners are the sons of Naresh Kumar from previous marriage.

Their arrest was stayed in this case. They are ready and willing to join the investigation. The complainant has levelled the allegations regarding maltreatment beating on account of demand of dowry as well as outraging her modesty. Whereas the counsel for the petitioners have placed on record the photographs when the police visited their house. Even now the present petitioners are ready to join the investigation. Their arrest was stayed vide order dated 28.02.2022. Considering these facts, no custodial interrogation is required. Therefore, the petitioners No.2 and 3 be not arrested and in case of their arrest, they be released on bail to the satisfaction of Arresting Officer/ Investigating Officer subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly accepted.

Pending application if any shall also stand disposed of.

(AMARJOT BHATTI)
JUDGE

01.05.2023.
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No