

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

204

CRM-M-3505-2022

Date of Decision: 27.01.2023

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vishal Thakur, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by L/ASI Shobha)

JAGMOHAN BANSAL, J. (ORAL)

On 28.01.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 460 dated 28.12.2021 under Sections 328, 354-A, 365, 506, 120-B IPC and Section 25 of Arms Act, 1959 registered at Police Station Chandhut, District Palwal.

Briefly, the case has been registered on the statement of the victim alleging that she was abducted by the petitioner and his accomplices.

Learned counsel for the petitioner contends that the petitioner is aged about 23 years, the victim/complainant is aged about 20 years and both of them had solemnized marriage. They had also filed a petition seeking protection to their life and liberty before the learned Sessions Judge, Palwal wherein, the complainant got recorded her statement at Annexure P-3, wherein it was specifically and categorically mentioned that she is aged about 20 years and

has solemnized marriage with the petitioner with free will and consent and without any pressure or fear or force.

It has been further stated that the parental family members of the complainant had been threatening the couple. Subsequently, the petition was withdrawn after a period of one month. Parents of the complainant took her back with an assurance that they will solemnize marriage of the complainant acceptable to the societal norms with the petitioner. However, parents of the complainant contemplated to solemnize her marriage with someone else and the petitioner had submitted a complaint, Annexure P-7 to the Superintendent of Police, Palwal. Besides he has also instituted a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts the notice on behalf of the State.

Adjourned to 14.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner, *inter alia* submits that victim has solemnized marriage with the petitioner and they had filed CRWP-7145-2022 before this Court seeking protection of life and liberty. The petition stands disposed of vide order dated 26.07.2022, with

a direction to Superintendent of Police, Palwal to look into the grievance of the petitioners and take appropriate action for protection of their life and liberty.

Learned State counsel, on instructions from L/ASI Shobha, 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 bail granted to the petitioner vide order dated 28.01.2022 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

27.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>