

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

211

CRM-M-5593-2023

Date of Decision: 02.03.2023

Rituraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jatinder Kumar, Advocate with
Mr. Abhinav Gupta, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

Mr. Sidhant Bhonsle, Advocate with
Mr. Aneeshh Chopra, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

Mr. Sidhant Bhonsle, Advocate appeared and filed his
Memorandum of Appearance on behalf of the complainant. The same is
taken on record and Registry is directed to tag at an appropriate place

On 03.02.2023, the 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. 211 dated 12.9.2022, under Sections 326-B, 354-B, 377, 406, 498-A, 506 and 34 of IPC (Sections 326-B, 354-B IPC deleted subsequently), registered at Police Station Sector-6, Dharuhera, District Rewari.

The case of the prosecution is that Meenakshi wife of the petitioner lodged a complaint with the police alleging that her marriage was solemnized with Rituraj (petitioner) on 4.3.2022 and a sum of Rs. 30 lakhs was spent on the marriage. A sum of Rs. 3.5 lakhs was transferred in the account of mother of husband of the complainant on 27.2.2022. Petitioner

started demanding Rs. 21 lakhs and Brezza car after marriage and on account of non-fulfillment of demand gave her beating. She was subjected to unnatural sex and her father-in-law was having evil eye upon her who on 16.4.2022 gagged her mouth and tried to have physical relation with her.

Learned counsel for the petitioner inter alia contends that petitioner is working as an Airman with Indian Air Force and posted at Tejpur (Assam). The complainant is not ready to stay at the village of the petitioner and insisting to stay at Tejpur (Assam) whereas no accommodation is available at Tejpur (Assam). The parents of the petitioner has already been granted concession of interim bail by the trial court. There is no demand of dowry and untruthfulness of the allegations is evident from the fact that police during investigation has deleted Sections 326-B and 354-B IPC. The petitioner is ready to join investigation and face proceedings. 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.

On the asking of Court, Ms. Dimple Jain, AAG, Haryana, who is present in court on advance notice, accepts notice on behalf of State-respondent.

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 and the fact that parents of the petitioner have already been granted concession of interim bail, at the first instance, the petitioner is directed to appear before investigation officer on 8.2.2023 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 cooperate the investigating officer.

Adjourned to 2.3.2023.

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.

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.”

Reply by way of affidavit dated 25.02.2023 of Amit Bhatia, H.P.S., Deputy Superintendent of Police, Rewari, District Rewari filed by respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel pointing out reply submits that the 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 03.02.2023 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

02.03.2023
Mohit Kumar

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