

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

210+2

CRM-M-12046-2023

Date of Decision: 11.04.2023

Krishan Avtar and Another

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nikhil Vats, Advocate for the petitioners

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

On 10.03.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in complaint case bearing No. COMI/137/2016 titled “Manju Rohilla vs. Nakul etc”, under Sections 498-A, 306, 304-B and 34 IPC pending before JMIC, Faridabad.

The case of prosecution is that on the complaint of Manju Rohilla-complainant, FIR No. 25 dated 27.02.2014 under Sections 306, 498A and 34 IPC came to be registered at Police Station GRP, Faridabad against husband of the deceased and others. In the FIR, it was alleged that complainant received a call from Rewari Police Station that her daughter has died in a railway accident.

The police conducted investigation, however, did not find any substance in the complaint of the

complainant against the petitioners. The police filed cancellation report and complainant filed protest petition. The trial court vide order dated 08.02.2023 has summoned the petitioners and their son to face trial under Sections 498-A, 306, 304B and 34 IPC.

Learned counsel for the petitioners inter alia contends that FIR was registered on 27.02.2014 and cancellation report was filed on 08.06.2014. The summoning order has been passed on 08.02.2023. There seems no reason to keep the petitioners behind the bars at such a belated stage. The petitioners during the intervening period have never attempted to destroy evidence which is evident from the fact that there is no such allegation in the complaint or in the order declining anticipatory bail of the petitioners. The police has conducted thorough investigation and thereafter filed cancellation report. The petitioners have been summoned in the protest petition and that too after nine years from the date of filing cancellation report. The petitioners are not involved in any other case.

This Court vide order dated 01.03.2023 in CRM-M-10694- 2023 in the case of son of the petitioners has permitted to appear before the trial Court within 10 days and the trial Court has been directed to admit him on bail on his furnishing bail bonds.

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.

In the meantime, the petitioners are at liberty to appear before the trial court within 10 days from today. If the petitioners do so, the trial court would admit the petitioners on bail on their furnishing bail bonds to its satisfaction.

To be heard along with CRM-M-10694-2023.”

Learned counsel for the petitioners submits that in compliance of orders of this Court, the petitioners appeared and submitted requisite bail bonds which stand accepted by the Trial Court. In support of his contention, he produced copy of order dated 14.03.2023 passed by JMIC, Faridabad.

In view of furnishing of bail bonds before the Trial Court, no further order is warranted.

Disposed of.

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

11.04.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*