

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

210

CRM-M-19272-2022

Date of Decision: 21.02.2023

Sandeep Sharma

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Bhanu Uday, Advocate for
Mr. Hardeep Singh Saini, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by ASI Jasbir Singh)

Mr. Vishavjeet Gill, Advocate for
Ms. Sharmila Sharma, Advocate for respondent No.2-
complainant

JAGMOHAN BANSAL, J. (ORAL)

On 17.05.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.75 dated 09.02.2022, registered for offences under Sections 323, 34, 376, 377, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Sonipat City, District Sonipat (Annexure P-1).

Counsel for the petitioner submits that FIR (Annexure P-1) is a counter blast to the complaints dated 18.04.2021 and 23.09.2021, Annexures P-2 and P-3, respectively, given by the petitioner and his father. He submits that the petitioner is ready to join investigation and return the dowry articles alleged to be in his possession.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Upon instructions from SI, Devender, she submits that although recovery of

white goods and furniture has been made, but gold ornaments and a car are yet to be recovered from the petitioner. She is assisted by Ms. Sharmila Sharma, Advocate for the complainant, who has filed Power of Attorney, which is taken on record. She has opposed the prayer made in the petition.

List on 28.09.2022.

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

The petitioner vide order dated 14.10.2022 was directed to re-join the investigation.

Learned State counsel, on instructions from ASI Jasbir Singh, 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 17.05.2022 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

21.02.2023
Mohit Kumar

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