

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21501-2023 (O&M)
Date of Decision : 08.08.2023

Dr. Arvind GuptaPetitioner

VERSUS

State of Haryana and anotherRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. I.P.S Madaan, Advocate for
Mr. P.S. Khurana, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana for respondent No.1.

Mr. Gautam Dutt, Advocate for respondent No.2 –complainant.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.259 dated 01.04.2023 registered under Sections 406, 498-A/506/323/377/511/379-A/120-B of the Indian Penal Code, 1860 (Section 420 IPC added subsequently) at Police Station Sector 8, District Faridabad.

2. On 29.04.2023 the following order was passed :

*“This is a petition under Section 438 Cr.P.C.
seeking pre-arrest bail to the petitioners in case FIR
No.259 dated 1.4.2023 under Sections 406, 498-A, 506,
323, 377, 511, 379-A, 120-B IPC (Section 420 IPC*

added later on) registered at Police Station Sector 8, District Faridabad.

Learned counsel for the petitioner contends that on similar allegations the petitioner's wife/mother-in-law of the complainant, has already been granted the concession of pre-arrest bail by this Court vide order dated 21.4.2023 (Annexure P-4). The petitioner is the complainant's father-in-law, and has been falsely implicated in the case to settle personal scores on account of matrimonial discord between the complainant and her husband/petitioner's son. The disputes between them arose the very next day of the marriage. She never stayed in the matrimonial home. The petitioner is a practicing doctor/nephrologist, aged about sixty four years, willing to join the investigation and cooperate with the Investigating Agency.

Notice of motion

Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of the State and on instructions from SI Anand Pal, assisted by learned counsel for the complainant, submits that the petitioner's role in the matrimonial affairs of his son is different from that of co-accused/mother-in-law, who was granted the

concession of pre-arrest bail. Besides, there are specific allegations that he demanded Rs.25 lakhs from the complainant's family, and the same was statedly handed over to him in cash.

Submissions made by learned counsel for the parties have been considered. The allegations of demanding and giving cash to the petitioner are to be established during trial. The petitioner is a practicing doctor, aged about sixty four years, and has no criminal antecedents.

Adjourned to 8.8.2023, for arguments.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C. ”

3. Learned counsel for the petitioner has submitted that the petitioner has since joined investigation and has fully cooperated. Learned counsel has further submitted that the parties have now compromised the matter and a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by the son of the petitioner and respondent No.2-herein.

4. Learned counsel for the complainant has reiterated that the parties have compromised the matter and have also filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent and that the complainant has no objection if the order dated 29.04.2023 is made absolute.

5. Learned counsel for the State, on instructions from Sub Inspector Anand Pal, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 29.04.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

August 08, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO