

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

**CRM-M-21660-2023(O&M)
Date of decision: 11.12.2023**

SANJEEV KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Rampal Verma, Advocate for
Mr. Davinder Lubana, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

1. On 01.05.2023, the following order was passed by the Co-ordinate

Bench of this Court:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 30 dated 24.03.2023, under Sections 120-B, 313, 323, 406, 498-A, 506 and 377 IPC, registered at Police Station, Women Police Station, Panchkula, District Panchkula.

Learned counsel for the petitioner inter alia contends that as per FIR, there was demand of dowry even 14 days prior to marriage still family members of the complainant opted to solemnize marriage of the complainant with petitioner. The complainant is working with Director General Health Services, Haryana. There is allegation that in the intervening night of 6/7.7.2022, the petitioner gave beatings to the complainant and he forced her to consume poison. She started vomiting and after consuming Gelusil syrup vomits stopped. The alleged incident took place on the intervening night of 6/7.7.2022 whereas aforesaid FIR came to be registered on 24.03.2023. The complainant has attempted to implicate family members and for the said purpose, in a systematic manner allegations have been levelled against all the family members of the petitioner. The petitioner is working as a painter with Ordnance Cable Factory, Ministry of Defence, Chandigarh, thus, there is no possibility of flee

from justice. It is a case of matrimonial discord and complainant has attempted to embroil all the members of the family. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 21.05.2023.

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

Mr. Rakesh Gupta, Advocate, filed Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and 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, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 07.05.2023 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 co-operate the investigating officer.

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."

2. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and the other

CRM-M-21660-2023(O&M)

-3-

relatives of the petitioner have been found to be innocent.

3. On instructions from ASI Nirdosh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the custodial interrogation of the petitioner is not required. The investigation of the case is merely complete and the challan will be presented in a short period of time.
4. In view of the aforesaid submissions, the order dated 01.05.2023, granting interim bail to the petitioner is made absolute.
5. The petition is allowed.

11.12.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No