

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29966-2023 (O&M)
Date of decision : 17.08.2023

Mayank Sood ... Petitioner(s)

Versus

State of Haryana and Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saransh Sabharwal, Advocate and
Mr. Sajal Bansal, Advocate for the petitioner.

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

Mr. Mohak Arora, Advocate for
Mr. Manish Soni, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.129 dated 03.05.2023 under Sections 498-A, 406, 377, 323, 120-B and 506 of Indian Penal Code, 1860 (IPC) registered at Police Station Panchkula, Sector 5, Panchkula (Annexure P-1).

2. On 07.06.2023 the following order was passed :

“1. Mr. Manish Soni, Advocate, puts in appearance on behalf of the complainant and files his Vakalatnama in Court today, which is taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate place.

2. *Petitioner Mayank Sood, aged 34 years has filed the instant petition seeking concession of anticipatory bail in case FIR No.129 dated 03.05.2023, under Sections 498-A, 406, 377, 323, 120-B and 506 of IPC, registered at Police Station Panchkula, Sector 5, Panchkula (Annexure P-1).*

3. *Counsel for the petitioner submits that the petitioner is posted on the rank of Lieutenant Commander in Indian Naval Forces and is presently posted at Visakhapatnam. For the last 12 years, the petitioner is said to be having unblemished career.*

4. *On the other hand, complainant-Neha Gupta is also an educated girl having pursued Masters in Economics. Marriage of the petitioner with the complainant was performed on 06.07.2022 and no child is born out of the said wedlock.*

5. *Counsel submits that because of temperamental differences, the relations could not pull off and therefore, the complainant got lodged FIR against the petitioner as well as against other co-accused namely (i) Rajesh Sood (father of the petitioner), (ii) Vibha Rashmi Sood (mother of the petitioner), (iii) Shobhita Sood (sister of the petitioner) and (iv) Abha Malhotra (maternal aunt of the petitioner). Father, mother, sister and maternal aunt of the petitioner have already joined investigation in pursuance to the order dated 29.05.2023, passed by the Court of learned Additional Sessions Judge, Panchkula, granting interim anticipatory bail to the petitioners therein.*

6. *Counsel also submits that although, allegation qua the petitioner is regarding committing an offence punishable u/s 377 IPC but there is no medical evidence*

to substantiate the said allegation. Even, complainant-Neha Gupta had addressed one representation dated 21.01.2023 to the Commanding Officer, INS Satavahana, Eastern Naval Command Base Post, Visakhapatnam but no such allegation of unnatural activity is levelled in the said representation.

Thus, submits that the story put forth in the impugned FIR is concocted and an afterthought, developed with the help of the legal hand.

Notice of motion.

7. On asking of Court, Mr. Pawan Kumar Jhanda, D.A.G., Haryana, who is present in Court, accepts notice on behalf of respondent No.1 (State) and Mr. Manish Soni, Advocate accepts notice on behalf of the complainant.

8. Counsel appearing for the complainant makes an oral request for impleading the complainant-Neha Gupta as respondent No.2 in the present petition. Thus, request is accepted. Accordingly, complainant-Neha Gupta is ordered to be impleaded as respondent No.2 in the array of parties. Learned counsel for the petitioner is directed to supply amended memo of parties with complete particulars of respondent No.2 also, to the Registry within a period of two weeks from today. Adjourned to 17.08.2023.

9. In the meanwhile, the petitioner is directed to join the investigation on 28.06.2023 or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438 Cr.P.C. ”

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3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated. Learned counsel would further contend that the parties have now compromised the matter.

4. Learned counsel for the complainant-respondent No.2 has reiterated that the parties have since compromised the matter and he would have no objection if the order dated 07.06.2023 is made absolute.

5. Learned counsel for the State, on instructions from PSI Sunita has, stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 07.06.2023 is made absolute. The petitioner shall, however, join investigation as and when called. 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.

17.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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