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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42430-2021 (O&M)

Date of decision : 12.12.2023

Rakesh Kumar

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arvind K. Sharma, Advocate for
Mr. S.S. Rana, Advocate for the petitioner.
Ms. Mahima Yashpal, DAG Haryana for respondent No.1.
Mr. Amit Jaiswal, 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.0397 dated 14.09.2021 under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860 registered at Police Station Ambala Cantt., District Ambala, Haryana.

2. On 21.12.2021 the following order was passed :

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail in case FIR No.0397 dated 14.09.2021 under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, registered at Police Station Ambala Cantt., District Ambala, Haryana.

Counsel for the petitioner submits that the allegations levelled against the petitioner are general in nature and neither any demand for dowry was made nor any such dowry was received by the petitioner. He submits that the FIR is a result of temperamental differences between the couple. Still further, he contends that the FIR is not maintainable at Ambala.

In compliance of order dated 01.12.2021, counsel for the petitioner has filed an affidavit of the petitioner annexing therewith a list of dowry articles, Annexure A-1, which are in his possession, and he is ready and willing to return the same.

List on 22.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for 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 will return the dowry articles mentioned by him in the list, Annexure A-1, to the Investigating Officer on the day he joins the investigation. These articles will be further handed over by the Investigating Officer to the complainant against proper receipt.

Petitioner is directed to implead the complainant as a party-respondent and get instructions for payment of litigation and travelling expenses to her.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully

cooperated.

4. The parties were directed to appear before the Mediation and Conciliation Centre of this Court. However, mediation proceedings were unsuccessful.

5. Learned counsel for the State on instructions from SI Anil has stated that the petitioner has since joined investigation and that certain household articles have been recovered, however, there has been no recovery of gold. Learned State counsel has pointed out that the gold articles were not supported by any bills. Learned State counsel has further pointed out that the petitioner is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 21.12.2021 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.

12.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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