

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

CRM-M-43035-2021

Date of Decision:01.08.2023

Riyasat

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Gagandeep Kaur, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Sukhdeep Singh, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.884 dated 23.12.2020, under Sections 406, 420 and 506 of IPC registered at Police Station Amabala City, Ambala (Annexure P-1).

While issuing notice of motion on 12.10.2021, the following contentions were noticed by this Court:-

“ The learned counsel for the petitioner has submitted that in the present case the dispute arose because of matrimonial discord between the petitioner and his wife. She submitted that earlier also litigation is pending between them under Section 498-A of IPC, in which the petitioner is on bail. She has further submitted that the present FIR pertains to the using of car by the petitioner. She has submitted that although the owner of the car is

the complainant but the same was purchased by the father of the petitioner. She further submitted that be that as it may, the petitioner is not in possession of the car and now the car is in possession of the complainant and, therefore, she has prayed for the grant of anticipatory bail to the petitioner.”

Today during the course of hearing learned counsel for the petitioner has stated that in terms of the order dated 12.10.2021, the petitioner has joined the investigation and no recovery is to be effected from him.

Learned State counsel on instructions from ASI Jai Kumar submits that the petitioner has already joined the investigation and is not required for the purpose of investigation any longer.

On the other hand learned counsel appearing on behalf of the complainant submits that there are serious allegations against the present petitioner and even he is still in possession of the car and the petitioner may use the car for some illegal purposes. However, learned counsel for the complainant could not produce any evidence to show that the car in question was ever used for some illegal purpose.

I have heard learned counsel for the parties and with their able assistance; I have perused the record.

It is not in dispute that the petitioner has already joined the investigation and is no longer required for the purpose of investigation. It is also not in dispute that the petitioner has not misused the concession of interim anticipatory bail since 12.10.2021. The contentions raised by the learned counsel for the complainant are subject matter of trial before learned Trial Court and cannot adjudicated upon by this Court, while deciding an anticipatory

bail.

In view of the above statement made by learned State counsel, the interim order dated 12.10.2021 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr. PC.

01.08.2023
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(N.S.SHEKHAWAT)
JUDGE

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