

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

201

CRM-M-39218-2022

Date of Decision: 23.02.2023

Manoj Kumar and Others

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Simranjeet Singh Sarwara, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by ASI Sube Singh)**JAGMOHAN BANSAL, J. (ORAL)**

On 31.08.2022, the following order was passed:-

“Learned counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in this case on account of marital discord between petitioner No.1 and the complainant; the petitioners have no other criminal antecedents; in any case all matrimonial disputes between petitioner No.1 and the complainant already stand settled and in pursuance whereof a joint petition under Section 13-B of the Hindu Marriage Act, 1956 has been filed by petitioner No.1 and the complainant seeking therein divorce by way of mutual consent and that the petitioners are ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Ms. Sheenu Sura, DAG, Haryana accepts notice on behalf of the respondent-State.

Adjourned to 13.12.2022.

Respondent No.2 be served through ordinary process.

In the meanwhile subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other

conditions provided under Section 438 (2) Cr.P.C, in the event of their arrest in FIR No. 145 dated 27.05.2022 registered under Sections 323, 406 and 498-A IPC at Police Station Sadar Ratia, district Fatehabad, they shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel, on instructions from ASI Sube Singh, submits that the petitioners have already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 31.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioners or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

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.

(JAGMOHAN BANSAL)
JUDGE

23.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*