

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48235-2023 (O&M)

Date of Decision : 08.11.2023

Manoj Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jitender K. Sehrawat, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Ajay Kripal Singh, Advocate for the complainant.

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.746 dated 01.09.2023 under Section 376(2)(n), 366, 506, 120-B, 34 of Indian Penal Code, 1860 and Section 25(1B) of the Arms Act, 1959 registered at Police Station City Hisar, District Hisar, Haryana.

2. On 25.09.2023 the following order was passed :

“The petitioner through this petition seeks grant of anticipatory bail in case FIR No.746 dated 01.09.2023 registered under Sections 376(2)(n), 366, 506, 120-B, 34 IPC, 1860 and Section 25(1B) of Arms Act, 1959 at Police Station City Hisar, District Hisar, Haryana.

Learned counsel for the petitioner contends that there is a delay of more than one year in lodging the FIR. The petitioner and the complainant have performed marriage on 29.08.2023. He has referred to the photographs annexed with the petition as Annexure P-2 where the complainant is willfully taking the pheras and performing ceremonies with her own will, which clearly shows that she was not forcibly made to perform the marriage with the petitioner. He further contends that the petitioner has even filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Court of competent jurisdiction.

Notice of motion for 08.11.2023.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer// Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer with ten days. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.*
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*

3) That the petitioner shall not leave India without prior permission of the Court.”

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

4. Learned counsel for the State, on instructions from ASI Suman, 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.

5. In view of the above, the order dated 25.09.2023 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.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.11.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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