

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

209

CRM-M-54562-2021

Date of Decision: 09.05.2023

Sartaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Maninderjit Singh, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

Mr. U.M. Khan, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of anticipatory bail in FIR No.0393 dated 09.11.2021 (Annexure P-1) under Sections 498A, 323, 406 & 506 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station SGM Nagar, Faridabad.

2. On 07.01.2022, the following order was passed:-

“On being put to notice on previous date of hearing, learned State counsel on instructions from SI Subash has submitted that there is no medical evidence on record with regard to the alleged physical assault carried out in the month of June, 2021 on the complainant.

Learned counsel for the petitioner submits that it was essentially on account of a matrimonial dispute between the parties, FIR in question came to be registered

wherein the complainant had leveled fabricated and false allegations against him of subjecting her to mental and physical harassment. She further submits that the petitioner is willing to join and cooperate with the investigating agency.

Adjourned to 13.05.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

3. The petitioner vide order dated 13.05.2022, 21.09.2022, 19.12.2022 was directed to join/re-join investigation.
4. Learned counsel for the complainant on 20.04.2023 submitted that petitioner has not paid a sum of Rs.35,000/- towards litigation and traveling expenses as ordered by this Court vide order dated 21.09.2022.
5. Learned counsel for the petitioner, in Court, has handed over a sum of Rs.35,000/ to the learned counsel for the complainant.
6. Learned State counsel submits that petitioner has joined investigation and no custodial interrogation is required.
7. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated

07.01.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

8. If the petitioner or his 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.

9. 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

09.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>