

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-52018-2022 (O&M)

Date of order: 13.07.2023

Dinesh Kumar

.....Petitioner(s)

Vs.

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Ishita Jain, Advocate
for the petitioner.

Ms. Deep Shikha Chauhan, AAG Haryana.

Nidhi Gupta, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.195 dated 20.09.2022 registered under Sections 323, 354-A, 376, 511, 506 IPC and Sections 6, 10, 12 and 18 of POCSO Act, 2012 at Police Station Women Yamuna Nagar, District Yamuna Nagar.

On 14.11.2022, this Court had passed the following order:-

"Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.195, dated 20.09.2022, under Sections 323, 354A, 376, 511, 506 IPC & 6, 10, 12, 18 of POCSO Act, 2012, registered at Police Station Women Yamuna Nagar, District Yamuna Nagar.

It has been contended by counsel for the petitioner that petitioner was married with the complainant about 11 years ago. He has submitted that both the petitioner and the complainant belong to different religion on account of which there is a dispute between both of them. He

has submitted that petitioner and his father are the priest in a temple whereas the complainant did not relish the same and was compelling the petitioner to convert to the religion of the complainant. He has submitted that as the petitioner did not incline for the same, thus the rift has occurred between both of them on account of which there is persistent matrimonial discord between them. He has also submitted that after the marriage, they are blessed with three children, i.e. two daughters and one son. He also submits that father of the petitioner also filed a complaint to the Superintendent of Police, Yamuna Nagar to take legal action against the complainant, however, no action has been taken on the same. He has submitted that in order to compel the petitioner to accept unreasonable demands of the complainant, the petitioner, who is father of the alleged victims, has been implicated in a false and frivolous case by lodging the present FIR. It is further submitted that prosecution of the petitioner is nothing but an abuse of the process of the Court. He has submitted that petitioner has no criminal antecedents and it is beyond apprehension that a father can even think of outraging the modesty of his own daughters. He has further submitted that in view of the above-mentioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 27.02.2023.

On the asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, 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. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) 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;

(iii) That the petitioner shall not leave India without prior permission of the Court.

State is directed to file status report on or before the next date of hearing.”

Learned State counsel, on instructions from Inspector/SHO Deepika states that in terms of the order passed by coordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 14.11.2022 granting interim bail to the petitioner is made **absolute**.

However, the petitioner shall abide by following conditions:-

- i) He shall join the investigation as and when required by the Investigating Officer.
- ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- iii) He shall not leave the limits of this country without prior permission of the Court.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation

but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

13.07.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No