

2023:PHHC:122845

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

Date of Decision: 19.09.2023

CRM-M-55471-2022

MOHINDER KUMAR AND ANR. ... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CRM-M-58147-2022

PARTEEK ... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Aditya Sanghi, Advocate
for the petitioners.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Manoj Makkar, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking anticipatory bail in the case bearing
FIR No. 813 dated 14.09.2022 under Sections 498-
A/511/323/328/377/354/354-A/34/406/506 IPC registered at Police Station
Civil Lines Sirsa, District Sirsa.

2. As per the report of the Mediator, the parties could not arrived
at an amicable settlement.

3. Learned counsel for the petitioners contend that the marriage of
the petitioner, namely, Parteek was solemnized with the complainant on
23.02.2019, but no child has been born from the wedlock. The complainant
is working as Senior Associate Security in Vigilance Department, Indira
Gandhi International Airport, Delhi. The matrimonial dispute had cropped
up between the parties. The allegations were levelled against the petitioners

and seven other family members, who were found innocent. The petitioners in CRM-M-55471-2022 are father-in-law and mother-in-law of the complainant. The petitioners in both the cases had instituted a petition under Section 438 Cr.P.C. in the Court of Sessions. In terms of the order dated 07.11.2022, they were granted interim bail and directed to join investigation. During the course of investigation, the petitioners got recovered articles of istridhan which were in their possession and the same were taken into possession by the Investigating Agency vide recovery memo, Annexure P-8. However, the application for anticipatory bail has been dismissed by the Court of learned Additional Sessions Judge only on the ground that the laptop of the complainant containing some official data is in the custody of the petitioners. It has been further submitted that the petitioners are not in custody of the laptop or any article of istridhan of the complainant. Furthermore, the status report indicates that verification has been made from Cyber Crime Unit and the laptop was never operated after 29.06.2022 and the FIR has been registered only on 14.09.2022.

4. Learned State counsel, on instructions from ASI Manju Bala, submits that the petitioners have joined the investigation. The recovery of articles of istridhan has been effected but recovery of laptop has not been effected.

5. Learned counsel for the complainant/respondent No.2 has also opposed the bail application on the score that recovery of laptop has not been effected.

6. It is significant to note that in terms of the order dated 05.12.2022 passed in CRM-M-55471-2022 and order dated 13.12.2022 passed in CRM-M-58147-2022, the arrest of the petitioners was stayed

subject to joining of investigation. It has not been disputed that in pursuance of interim directions, the petitioners have joined the investigation. There is nothing to indicate that laptop alleged to be in possession of the petitioners has been misused. Moreover, the controversy as to whether the laptop of the complainant in possession of the petitioners and they have misappropriated the same will be a debatable and moot point during the course of trial.

7. In these set of circumstance, both the petitions are allowed and it is directed that in the event of arrest, the petitioners be released on bail to the satisfaction of Arresting Officer. This order is subject to the condition that the petitioners abide by the conditions as specified under Section 438 (2) Cr.P.C.

19.09.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No