

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206-A

CRM-M-18804-2024

Date of Decision: 08.07.2024

Jinender Kumar Jain

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sukhsharan Sra, Advocate for
Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. B.B. Sharma, Advocate for the complainant.

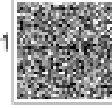
NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 25 dated 27.03.2024 (Annexure P-1) registered under Sections 498-A, 323, 34, 406, 506, 354-A and 420 IPC at Police Station Women, Faridabad, District Faridabad.

On 18.04.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail/ anticipatory bail to the petitioner in FIR No. 25 dated 27.03.2024 registered under Sections 498-A, 323, 34, 406, 506, 354-A, 420 of IPC Act, 1860 at Women Police Station, District Faridabad (Annexure P-1).

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is the uncle/taya of the husband of the complainant. It is stated that the complainant was married to the nephew of the petitioner on 22.02.2022.



Due to matrimonial dispute, they started living separately from July, 2023 and the afore-mentioned FIR has been registered in March, 2024. It is contended by learned senior counsel that the petitioner and his son are the easy target in the present matter as the husband of the complainant, as also the other family members of the husband of the complainant are residing in Abu Dhabi. It is stated that pursuant to filing of the present FIR, the husband of the complainant has come back from Abu Dhabi and joined investigation under Section 41 Cr.P.C. It is further submitted that the allegations made in the FIR against all the in-laws of the complainant are general in nature.

Notice of motion.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana accepts notice on behalf of the respondent-State of Haryana. Mr. Bharat Bhushan Sharma, Advocate puts in appearance on behalf of the complainant.

Learned counsel for the complainant opposes prayer for grant of anticipatory bail to the petitioner and submits that very specific allegations have been made against the petitioner and it is stated that monetary transactions have been made in favour of the petitioner. On a Court query as to whether monetary transactions were transferred into the account of the petitioner himself, learned counsel for the complainant submits that the monetary transactions have been made in favour of the family members of the petitioner.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.

- i. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- 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/her from disclosing such facts to the Court or to any police officer;*
- iii. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Learned counsel for the State is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.



List on 08.07.2024.”

Learned counsel for the petitioner submits that in compliance of the order dated 18.04.2024 the petitioner has joined the investigation.

On instructions from L/HC Sunita, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 24.04.2024 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 18.04.2024 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and co-operate with the investigating agency in case he is required for the same in future as and when called upon to do so.

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.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

08.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**