



205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26625-2024

Date of decision: 09.07.2024

Amit Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Aakash Juneja, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.169 dated 04.04.2024 (Annexure P-1) under Sections 323/406/498-A/506 of IPC (Section 377 of IPC added later on) registered at Police Station Sadar Thanesar, Kurukshetra.

On 24.05.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C. '), seeking anticipatory bail in FIR No.169 dated 04.04.2024 under Sections 323, 377, 406, 498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner, inter alia, contends that the complainant has involved all and sundry members of family of the petitioner just to wreak vengeance on him due to personal vendetta and private spite and even Mamas of the petitioner have not been spared. The petitioner has tried his best to reconcile the matter and save his matrimonial life and several panchayats were convened to resolve the dispute and surprisingly, allegation of unnatural sex was never levelled during the panchayat. Moreover, the medicolegal report was not prepared from the jurisdictional Govt. Hospital; rather it was procured from a Hospital, which is far away. All the allegations levelled against the petitioner are implausible and far-fetched. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.

Notice of motion for 09.07.2024.



CRM-M-26625-2024

-2-

At this stage, Mr. Ashit Malik, Advocate appears on behalf of the complainant and files his Vakalatnama, which is taken on record. He vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner and he is the main accused.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Ramandeep Kaur, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner does not deserve the concession of anticipatory bail as the *Istridhan* of the complainant is yet to be recovered and there are specific and serious allegations against the petitioner.

In view of the statement of learned State counsel, order dated 24.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

09.07.2024

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No