

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+203

CRM-48901-2023 in/and
CRM-M-31737-2022

Date of Decision: January 23, 2024

Tushar Dutt

.....Petitioner(s)

Vs.

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Amar Vivek Aggarwal, Advocate
for the petitioner(s).

Mr. Ranvir Singh Arya, Addl. A.G. Haryana

Mr. Abhimanyu Singh, Advocate
for respondent No.2.

SUDEEPTI SHARMA J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No.98, dated 27.08.2021 under Sections 498-A, 406, 506 & 34 IPC, registered at Women Police Station, Sector 51, Gurugram.

2. Vide order dated 22.08.2022, this Court passed the following order:-

“ Mr.Abhimanyu Singh, Advocate has put in appearance on behalf of respondent No.2 and has filed 'Vakalatnama', which is taken on record.

After hearing counsel representing the private parties, this Court is of the view that there is a possibility

of settlement of dispute between the parties, for which purpose, they are directed to appear before the Mediation and Conciliation Centre of this Court on 01.09.2022 at 10.00 a.m.(IST) through the medium of video conferencing.

List on 24.01.2023 to await the report of learned Mediator.

In the meanwhile, no coercive steps shall be taken against the petitioner till the next date.

Reply, if any, by the State be filed before the next date.”

3. On 24.01.2023, the case was adjourned on the request of learned counsel for the petitioner. On 24.02.2023, again it was adjourned to 18.04.2023 and again on 18.04.2023, the case was adjourned to 18.07.2023 on the request of learned counsel for the petitioner. Again it was adjourned to 31.10.2023 on request of learned counsel for the petitioner, again it was adjourned to 16.11.2023 and again it was adjourned to 23.01.2024. All these adjournments have been sought by learned counsel for the petitioner and the interim was continued.

4. Reply to the present petition by way of affidavit of Surinder Kaur, HPS Assistant Commissioner of Police, CAW, Gurugram is filed on behalf of respondent No.1. Para 7 of the reply states that the petitioner has been found to be residing in Canada and intimation was given to the parents of the petitioner to make him join the investigation in the present case. Further, the petitioner did not join the investigation and still residing in Canada.

5. Further submission in the reply is that the open ended warrants have been issued against the petitioner. It is further stated that custodial interrogation of the petitioner is required to recover some of the dowry articles and to conduct proper investigation of the case.

6. Learned counsel for the State submits that the petitioner is not joining the investigation and dowry articles also are not recovered.

7. During the pendency of the present petition, the petitioner filed writ petition under Article 226/227 of the constitution of India bearing CWP No.12357 of 2023, impugning the Look Out Circular (LOC) No.1/SIC (ACK)/LOC/2022-1439 dated 07.02.2022 (Annexure P-1). While issuing notice of motion, the following order was passed:-

“ Learned counsel appearing on behalf of the petitioner, inter alia, contends that FIR No.98 dated 27.08.2021 under Sections 498-A, 406, and 506/34 IPC has been registered at Women Police Station, Sector 51, Gurugram, against the petitioner and that the petitioner had preferred a petition for the grant of anticipatory bail bearing number CRM-M-31737- 2022 and vide order dated 22.08.2022, it has been directed that no coercive steps shall be taken against the petitioner till the next date of hearing.

The above said CRM-M-31737-2022 is now stated to be pending before this Court for 18.07.2023 and the interim protection still continues.

Learned counsel for the petitioner contends that the petitioner intends to come to India in mid-June, 2023 so as to join investigation and to prove his false implication and claims that in the event of his return, he is likely to be apprehended by the respondents on account of the LOC issued against him. Learned counsel for the

petitioner also undertakes to take appropriate steps to implead the complainant-wife in the present petition.

Notice of motion.

Notice re: stay as well.

Mr. Arvind Seth, Advocate, assisting Mr. Satya Pal Jain, ASGI, enters appearance and accepts notice on behalf of respondent No.1/UOI whereas Mr. Vivek Saini, Addl. A.G. Haryana, accepts notice on behalf of respondents No.2 and 3.

List on 21.09.2023.

In the meanwhile, interim order in similar terms as in CRM-M-31737-2022 till the next date of hearing.”

8. A perusal of the above order shows that it was because of the intention of the petitioner to come to India in mid June 2023 to join investigation and to prove his false implication, the Co-ordinate Bench granted interim bail in same terms as in the present case i.e. CRM-M-31737-2022, till the next date of hearing.

9. A perusal of both the orders show that learned counsel for the petitioner has tried to mislead both the Courts by stating falsely. While asking for grant of anticipatory bail in CRM-M-31737-2022, he has submitted that there is a possibility of settlement of dispute between the parties for which they were directed to appear before Mediation and Conciliation Centre of this Court on 01.09.2022 at 10:00 a.m. through the medium of Video Conferencing, whereas on the other hand in the writ petition bearing CWP-12357-2023 challenging the LOC No.1/SIC (ACK)/LOC/2022-1439 dated 07.02.2022, he submitted that he intends to come to India in mid June 2023 to join investigation. It is pertinent to note here that CWP No.12357-2023 was filed in May by stating that in mid June

2023, he intends to join investigation and to prove his false implication because of which this Court granted interim order in the similar terms as in CRM-M-31737-2022 till the next date of hearing.

10. Since the petitioner is enjoying concession of interim bail, today when the case came up for hearing, again he requested for an adjournment. The request was denied because learned counsel for the State submitted that till date, the petitioner has not joined the investigation and is still in Canada.

11. This shows the conduct of the petitioner/counsel for the petitioner. Both the orders are obtained from this Court by learned counsel for the petitioner by misleading and by giving false statements. The petitioner has not returned back to India inspite of obtaining two orders in his favours i.e one passed in CRM-M-31737-2022, to the effect that "*In the meanwhile, no coercive steps shall be taken against the petitioner till the next date*", which was ordered to be continued till date and other order passed in CWP No.12357-2023 wherein he challenged the 'Look Out Order' by stating that he intends to return to India in mid June 2023.

12. A perusal of both the orders and the adjournments sought by learned counsel for the petitioner shows the conduct of the petitioner that he wants to enjoy the interim order granted by both the Courts without any intention to join the investigation.

13. In view of the above, the present petition is dismissed.

14. Registry is directed to place copy of this order and tag the same with CWP No.12357-2023.

15. All pending applications, if any, stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

January 23, 2024
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Whether speaking/reasoned:	Speaking
Whether reportable:	Yes / No