

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-37430-2023
Date of decision: 08.04.2024

JEET TOMAR

...PETITIONER

V/s

STATE OF HARYANA

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Promila Nain, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Vikas Gulia, Advocate
for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.335 dated 22.06.2023, registered for the offences punishable under Sections 302, 34 of IPC (Section 302 of IPC later on has been replaced with Section 306 of IPC) at Police Station Kharkhoda, Sonipat, District Sonipat.

2. On 02.08.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 335 dated 22.06.2023 (Annexure P-1) under Section 302 read with Section 34 IPC (Section 302 IPC has been replaced with Section 306 IPC, later on) at Police Station Kharkhoda, Sonipat, District Sonipat. Briefly, the aforesaid FIR was registered on the basis of written complaint made by Ranbir Singh alleging therein that he solemnized marriage of his daughter-Pinki (since deceased) with the petitioner 12 years ago. Out of the said wedlock, three daughters were born. After three years of marriage, in-laws of the deceased used to harass and gave beatings to her. They also used to beat the deceased on the pretext of not giving birth of a male child. On

21.06.2023 at around 5:30 P.M., his son-in-law (petitioner herein) made a telephonic call that his daughter had set herself on ablaze. Learned counsel for the petitioner, inter alia, contends that the present case has been got registered with deliberation and afterthought, in order to falsely implicate the petitioner. The petitioner is working as Head Constable in Delhi Police. He was not present at the time of alleged occurrence. He left from his village on 20.06.2023 at around 7:00 A.M. as he was on duty in Jagannath Rath Yatra. There is no suicide note or any writing against the petitioner. Learned counsel further contends that mother of the petitioner has already been arrested. It is submitted that the petitioner has 3 minor children to look after. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and seeks time file a detailed status report in the matter.

Adjourned to 08.12.2023.

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 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.”*

3. Learned State counsel, on instructions from ASI Ravi Dass, has stated that pursuant to the order dated 02.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel appearing for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature.

5. In view of above, the present petition is allowed and interim order dated 02.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 08, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No