

2024:PHHC:069082



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

297

**CRM-M-46537-2023 (O&M)
Date of decision: 16.05.2024**

Parvinder Singh alias Parminder Singh Sahni **...Petitioner**
Versus
State of Haryana and another **...Respondents**
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Akshay Kumar Dahiya, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 131, dated 07.08.2023, under Sections 498-A, 323, 406, 506, 377 and 34 of IPC at Police Station Women NIT, District Faridabad.
2. Vide order dated 15.09.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 15.09.2023, passed by this Court, reads as under:

“...Learned counsel for the petitioner would contend that there was no formal marriage as per Hindu Law and there is only a registration of marriage which took place on 04.02.2019. The petitioner and the complainant had been in relationship since

Neutral Citation No. 2024:PHHC:069082

2012 and in 2013 a child was also born. Learned counsel further contends that both the petitioner and the complainant are divorcees and from the first marriage of the complainant she had a son who was also being looked after by the petitioner. Learned counsel for the petitioner would further contend that on 4/5th July 2023, a quarrel took place between the complainant and the petitioner and the petitioner was called by the father of the complainant to his house in Faridabad. When the petitioner reached there, the father did not meet him. On his return, when he entered his house, he was attacked by the brothers of the complainant. Qua this the Medico Legal Report (MLR) has also been appended as Annexure P-4. Subsequently, the MLR was also recorded qua the injuries received by the complainant. The injuries received by both of them (petitioner and the complainant) are simple in nature. Learned counsel has further pointed out that the complainant only had complained of pain and no external injuries were visible. Thereafter on 05.07.2023 both the parties made a statement before the Police that they had compromised the matter. Subsequently, a complaint was given on 21.07.2023 on the basis of which the present FIR has been registered. Learned counsel would further contend that there were no such allegations when the matter was earlier compromised.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the respondent-State, while Ms. Kirty Lohar, Advocate accepts notice on behalf of the complainant.

Let the complainant be formally impleaded as respondent No.2. Registry to make requisite changes in the memo of parties.

List on 07.12.2023.

Neutral Citation No. 2024:PHHC:069082

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, assisted by learned counsel for respondent No. 2, on instructions from the Investigating Officer, has submitted that the petitioner has joined and rejoined the investigation and he is not required for custodial interrogation. Learned counsel for respondent No. 2 has, however, submitted that some recovery is yet to be effected from the petitioner.

4. Keeping in view the fact that the petitioner has joined and rejoined the investigation and he is not required for custodial interrogation, the fact that he has handed over the passport of complainant as well as the passports of his two children and also in view of the fact that mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as observed by the Delhi High Court in cases titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503, but without commenting on the merits of the case, the present petition is allowed and the order dated 15.09.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

16.05.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

