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

**CRM-M-51504-2022 (O&M)
Date of Decision: 11.01.2024**

MANISH MEHTA**.. Petitioner****Vs.****STATE OF HARYANA****..Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Kunwar Rajan, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana

Mr. Ivneet Singh Pabla, Advocate for the complainant.

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SUMEET GOEL, J. (Oral)**1.** On 09.11.2022, the following order was passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.807, dated 03.09.2022, registered under Sections 498-A, 406, 506, 377 IPC, at Police Station, Shahabad, District Kurukshetra.

It has been contended by learned counsel for the petitioner that the petitioner was married with the complainant on 10.03.2019 and thereafter, due to temperamental differences, matrimonial discord took place between the husband and wife. He submits that the complainant lodged FIR No.458 dated 03.08.2021 under Sections 323, 354, 406, 498-A, 313, 377, 506 IPC, at Police Station Shahabad. He submits that with the invention of the respectables, the same was compromised and both the petitioner and the complainant decided to live together separately from their parents and as a result, FIR No.458 was cancelled. He submits that the petitioner started living with the complainant in a rented accommodation. He has drawn the attention of this Court to rent deed (Annexure P-4) annexed with the petition. He submits that despite all this, the complainant again did not cooperate and there arose matrimonial discord and she left the matrimonial home in July 2022. He submits that the petitioner is ready to settle the dispute even now, however, the complainant is not cooperating for the same. He relies upon the judgment of Hon'ble Supreme Court in case of Arnesh Kumar vs. State of Bihar, 2014(3)SCC (CrI.) 449 and submits that in view of the above, no case for custodial interrogation is made out, however, the petitioner is ready to join the investigation and abide by the terms and conditions of the

anticipatory bail, if this Court considers his request for granting the same. He submits that the allegations pertaining to harassment caused to the complainant on account of demand of dowry and performing unnatural sex etc. are totally false and concocted.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of the State.

Learned counsel for the petitioner undertakes to implead the complainant as party respondent No.2 in the petition and file the amended memo of parties within a period of one week from today. The petitioner is directed to pay Rs.25,000/- to the complainant wife on account of litigation expenses within one month from today.

On impleading the complainant, notice be issued to her for the date fixed.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(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 from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.

Adjourned to 22.02.2023."

2. Learned State counsel on instructions from ASI Manoj has stated that pursuant to the order dated 09.11.2022, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.

3. Learned counsel for the complainant pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

4. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

5. However, in order to lend quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of Rs.75,000/- with the learned Illaqa Magistrate within three weeks from today. On his doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.
6. In view of above, the interim order dated 09.11.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
7. 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.
8. 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.
9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

11.01.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No