



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206+101

CRM-M-54618-2023 (O&M)
Date of Decision: 12.11.2024

MANDEEP KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Manish Kumar, Advocate for
Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana with
Mr. Vijesh Sharma, Addl. A.G., Haryana.

Mr. Shiv Kumar Rana, Advocate and
Ms. Priya Parmar Rana, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioner in case FIR No.154 dated 01.05.2023, under Sections 323, 377, 406, 498-A, 506 IPC, 1860, registered at Police Station Pundri, District Kaithal.
2. On 02.11.2023, the Coordinate Bench of this Court passed the following order and directed the petitioner to join the investigation:

'Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated by the complainant-wife in the criminal case under reference whereas, in fact, he never ever subjected the complainant to cruelty or the unnatural offence, as falsely alleged in the subject FIR and moreover, the petitioner is ready



and willing to join in the investigation as and when required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the instant matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 14.02.2024.

Meanwhile, the petitioner shall join in the investigation on 17.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.'

3. Learned State counsel on instructions from ASI Ram Chander has informed that the petitioner has joined the investigation and his custodial interrogation is not required.

4. I have heard the aforesaid submissions and perused the relevant documents.

5. In view of the aforesaid facts and the reasons recorded in the order dated 02.11.2023 and keeping in view the fact that there is a matrimonial dispute; the petitioner has joined the investigation; his custodial interrogation is not required and the allegations and counter-allegations between the petitioner and the complainant are matter of trial, the present petition is allowed and the order dated 02.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. The demand draft bearing No.001462 dated 30.07.2024, which has been received by the complainant from the Registry of this Court is stated to have expired. The same is handed over to the learned counsel for the petitioner in the Court today, which has been accepted by him.



7. The petitioner is further directed to hand-over a fresh demand draft for a sum of Rs.25,000/- in favour of the complainant within a period of 7 days from today. In case of violation of any of the aforesaid condition, respondent No.2 shall be at liberty to approach this Court for vacation of this order.
8. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12.11.2024
P.Bhatt

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