



Sr. No.213

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

**CRM-M-55333-2023 (O&M)
Date of decision: 12th August 2024**

PRIYANSHU BHATIAPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. L.K. Gollen, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Kavita.

Mr. Saurabh Dalal, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-52601-2023

The present application, filed under Section 482 Cr.P.C. for placing on record the testimony of material witnesses along with the relevant record as Annexures P-6 to P-10, is taken on board for hearing.

Notice in the application.

Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State of Haryana.

Mr. Saurabh Dalal, Advocate accepts notice on behalf of the complainant.

Keeping in view the averments made in the application, the same is allowed. The above-said documents are taken on record as Annexures P-6 to P-10, subject to all just exceptions.

**CRM-M-55333-2023 (O&M)**

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.191 dated 23.07.2023, under Sections 498-A, 313, 328, 376-D, 406, 506, 34 IPC, 1860, registered at Police Station Rohtak Civil Lines, District Rohtak (Annexure P-1).

2. On 14.12.2023, the following order was passed by this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioner, at the outset, states that Sections 313, 328 and 376D IPC stand deleted. The learned counsel would further contend that it was the complainant herself who was in an adulterous relationship and that a complaint was given by the petitioner herein qua the same. However, no FIR was registered. Thereafter, a complaint case was filed by the petitioner and the present FIR is a counter-blast to the same. The learned counsel would further contend that the petitioner is willing to settle the matter and join investigation as also to return all the Istridhan articles in his possession. On the oral request of learned counsel for the petitioner, the complainant is impleaded as respondent No.2 in the present petition. Registry to carry out the necessary corrections in the memo of parties.

Notice of motion.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana accepts notice on behalf of respondent No.1-State of Haryana. Mr. Saurav Dalal, Advocate has put in appearance on behalf of respondent No.2/complainant and has accepted notice on her behalf.

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Learned counsel for the State, on instructions from ASI-Ravita, has stated that Sections 313, 328 and 376D IPC stand deleted.

The petitioner shall bring a bank draft for Rs.30,000/- in the name of the respondent-wife towards litigation expenses on the next date of hearing.

List on 12.03.2024.



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 counsel for the petitioner contends that there are many litigations pending *inter se* the parties. The present FIR has been registered as a counter-blast to the complaint case filed by the petitioner. The petitioner reported the matter to the Police but the FIR was not registered, as such, the petitioner filed a criminal complaint levelling the allegations that the complainant herself was in an adulterous relationship. It is further contended that the petitioner has even filed a divorce petition on the ground of adultery (Annexure P-3) and some of the photographs of the complainant with the third person are a part of the paper book (Annexure P-2). Reference has also been made to a witness (CW-1) who has been recorded in the criminal complaint filed by the petitioner (Annexure P-6) as well as the documents (Annexures P-7 to P-10) and it has been submitted that there are hotel entries made by the complainant and the third person at the time of booking of the hotel room.

4. Learned State counsel has informed that the offence under Sections 376-D, 313 and 328 IPC have been deleted. The petitioner has joined investigation in compliance with the order dated 14.12.2023 and his further custodial interrogation is not required.

5. Learned counsel for the complainant has opposed the present petition submitting that there are serious allegations against the petitioner. It is contended that the petitioner has edited photographs (Annexure P-2) and made it a part of the paper book. In fact, the complainant was ousted from her matrimonial home after



she was given severe beatings. It was also contended that the petitioner, who is the husband of the complainant, had been forcing the complainant to involve in forcible physical relationship with his friends against her wishes.

6. I have considered the aforesaid contentions and perused the paper book.

7. The allegation, that the co-accused of the petitioner i.e. mother-in-law and sister-in-law of the complainant mixed some medicine in the eatable of the complainant with an intention to kill the foetus in her womb, was found to be false during the investigation. The petitioner has joined the investigation in compliance of the order of this Court.

8. The allegations against the petitioner that he was forcing the prosecutrix to have physical relationship with his friends and the counter-allegations levelled by the petitioner by way of filing separate complaints is a matter of trial. The petitioner has joined investigation. His custodial interrogation is not required.

9. In view of the reasons recorded in the order dated 14.12.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 14.12.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition



stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

12. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th August 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No