

2024:PHHC:015407

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

286

CRM-M-58252-2022

Date of decision:05.02.2024

Dinesh

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Parmod Kumar Parmar, Advocate, for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Prashant Singh Chauhan, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

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.133 dated 07.11.2022, registered for the offences punishable under Sections 498-A, 406, 377 of IPC at Police Station Women Rewari, District Rewari.

2. On14.12.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.133 dated 7.11.2022 under sections 498-A, 406, 377 I.P.C, registered at Women Police Station, Rewari, District Rewari.

Learned counsel for the petitioner has contended that the petitioner solemnized marriage with the complainant on 14.6.2021. It is submitted that parents of the petitioner are no more and the complainant could not adjust with the petitioner in the matrimonial home. Petitioner is serving as a Teacher in the

Kendriya Vidyalya and he has tried his level best to settle the dispute amicably, however, the complainant left the matrimonial home in June, 2022. It is submitted that the allegations pertaining to harassment caused on account of demand of dowry are totally false and frivolous. Counsel has placed reliance upon the judicial precedent in case of Arnesh Kumar V. State of Bihar (2014) 8 SCC 273. It is further submitted that petitioner has no criminal antecedents as he has never been involved in any criminal offence, however, he is ready and willing to join the investigation.

Notice of motion.

On the asking of the court, Mr. B.S. Virk, DAG, Haryana accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner is directed to implead the complainant as a party/respondent in the petition. Petitioner would pay an amount of Rs.25,000/- as litigation expenses to the complainant within one month from today.

List on 31.3.2023.

In the meanwhile, 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.”

3. Learned State counsel, on instructions from ASI Parveen, has stated that pursuant to the order dated 14.12.2022, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned

counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the matter in hand is serious in nature and hence the concession of anticipatory bail does not deserve to be extended to the petitioner.

4. In view of above, the interim order dated 14.12.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. 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.

6. 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.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 05, 2024
poonam

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