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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 618/2024**

SHUBHAM GARG

.....Petitioner

Through: Mr. Diwanshu Sahgal, Advocate.

versus

STATE GNCT OF DELHI AND ANR

.....Respondents

Through: APP for the State with ASI Jitender Kumar, PS Bhajanpura, New Delhi.
Mr. Amit Kumar and Mr. Prakhyat Sharma, Advocates for Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.07.2024

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1. The Anticipatory Bail Application under Section 438 CrPC, has been filed on behalf of the petitioner, for grant of anticipatory bail for the offence under FIR No. 139/2024 under Sections 498A/406/34 of the IPC and 3/4 of Dowry Prohibition Act, registered at Police Station Bhajanpura, District Central, Delhi.

2. It is submitted in the application that the petitioner is the husband of the respondent No. 2. The petitioner got married to the respondent No.2 on 09.12.2021. The present FIR got registered on 02.02.2024 against the petitioner and four other family members i.e. the father-in-law, mother-in-law, sister-in-law and brother-in-law. All other applicants have been granted bail on 09.02.2024, by the learned ASJ, while the Bail Application of the



petitioner, Mr. Shubham Garg, has been rejected.

3. The respondent No.2/wife has made voluminous complaints to the police and has manipulated and fabricated a big story about incidence but has not cited any incidences in which she was bodily shamed, tortured mentally or physically.

4. It is submitted that the petitioner is willing to join the investigation, as and when called by the IO. Furthermore, he undertakes not to tamper any evidence and abide by any other terms that may be imposed by the Court. Hence, the anticipatory bail under Section 438 CrPC is sought.

5. The interim protection was granted to the petitioner by this Court *vide* Order dated 23.02.2024. He has joined the investigation on 24.02.2024 and 16.03.2024, when he was called by the IO. The IO, who is present in the Court, submits that he has not called the petitioner thereafter. No custodial interrogation of the accused is required.

6. **The objections have been filed on behalf of the complainant/wife,** who has given the details of the incident of 21.02.2022, on which date allegedly the petitioner had slapped and assaulted her. Similar incidents have also been narrated. The petitioner's attitude is claimed to be inconsiderate and in contempt of the directions of this Court. The bail application is, therefore, seriously opposed on behalf of the complainant.

7. **Submissions heard.**

8. This is a case where the FIR No. 139/2024 under Sections 498A/406/34 of the IPC and 3/4 of Dowry Prohibition Act, Police Station Bhajanpura, District Central, Delhi, has been registered on the allegations made by the complainant of being subjected to cruelty and assault, after her marriage. The accused is the husband, who has joined the investigation as



and when called by the IO. No custodial interrogation is sought by the IO. Considering the totality of the circumstances, it is directed that in the event of his arrest, the applicant/petitioner shall be released forthwith, with the following conditions:-

- a) The applicant/petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount, to the satisfaction of the Investigating Officer/Arresting Officer.
- b) The applicant/petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
- c) The applicant/petitioner shall join the investigations as and when directed by the IO.
- d) The applicant/petitioner shall produce all the requisite information, documents in his power and possession, as and when directed by the Investigating Officer.

9. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JULY 16, 2024/RS