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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18598-2024 (O&M)
Date of decision: 07.04.2025

Rohit Singh Lather

...Petitioner

versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. K. D. S. Hooda, Advocate, for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. B. S. Saroha, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.10 dated 06.03.2024, under Sections 323, 354, 406, 420, 498-A and 506 IPC, registered at Police Station Women PS, Sector-5, Panchkula, District Panchkula.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where allegations were made by respondent No.2-wife against the petitioner and his family members pertaining to Sections 323, 354, 406, 420, 498-A and 506 IPC, which were vague and evasive. He submitted that this Court on 01.05.2024, which is about 1 year ago had directed the parties to appear before the Mediation and Conciliation Centre of this Court and on the aforesaid date, the learned counsel for the petitioner had also stated that the



petitioner has brought a demand draft of Rs.5,00,000/- in favour of respondent No.2-wife to show his *bona fide* and thereafter, an interim order was also passed that in the meanwhile, the petitioner shall join the investigation and an interim bail was granted to him. He further submitted that validity of the aforesaid demand draft which was deposited in the Registry of this Court has expired and by virtue of the last order passed by this Court on 20.01.2025, the old expired demand draft has been returned to the learned counsel for the petitioner and today, the petitioner has brought a fresh demand draft of Rs.5,00,000/- in the name of respondent No.2-wife and the date of issuance of the aforesaid demand draft is 02.04.2025 and the same has been handed over to the learned counsel for respondent No.2-wife. He also submitted that the petitioner has already joined the investigation and therefore, he may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana submitted that he has instructions to state that in pursuance of the order passed by this Court on 01.05.2024, the petitioner has already joined investigation and he has fully cooperated with the investigation process but the jewellery items pertaining to about 40 tolas have not been returned to respondent No.2-wife and therefore, on this ground, the petitioner is not entitled for grant of anticipatory bail.

4. Learned counsel appearing on behalf of respondent No.2 submitted that jewellery items are still with the petitioner and his family members and he has not returned the same till date and therefore, he is not entitled for grant of anticipatory bail. He further submitted that the petitioner is writing defamatory



letters against respondent No.2-wife to her office and because of the aforesaid conduct of the petitioner also, he is not entitled for the grant of anticipatory bail.

5. I have heard the learned counsels for the parties.

6. Vide order dated 01.05.2024, this Court had granted interim anticipatory bail to the petitioner and the learned counsel for the petitioner on that date stated the petitioner had brought a demand draft in the name of respondent No.2-wife to show his *bona fide*. Today, a fresh demand draft of Rs.5,00,000/- has been handed over to the learned counsel for respondent No.2-wife, who has acknowledged the same in the Court. Learned State counsel has stated on instructions that the petitioner has already joined investigation and he has fully cooperated with the investigation process except for recovery of about 40 tolas of jewellery items, which were given at the time of marriage. This Court would therefore consider the fact of the aforesaid on the right of the petitioner for seeking anticipatory bail. The matter was sent to the Mediation and Conciliation Centre of this Court but unfortunately the mediation failed. This Court is of the considered view that mere fact that some of the jewellery items of whatever weight, if at all, have not been returned by the petitioner to respondent No.2-wife cannot become a ground for denial of anticipatory bail to the petitioner because it affects the liberty of the petitioner in the present case and as to whether the same was entrusted or not and as to whether the same was returned or not is a subject matter of trial which can be seen only at the time of adducing evidence but the liberty of the petitioner cannot be jeopardized because of the aforesaid allegations made by respondent No.2-wife. So far as the argument raised by the learned counsel for respondent No.2 that the petitioner is writing various defamatory letters to the office of respondent



No.2-wife against her is concerned, the same is also a different subject matter and also cannot become a ground for denial of anticipatory bail to the petitioner.

7. Consequenty, the present petition is allowed and the order dated 01.05.2024 is hereby made absolute.

(JASGURPREET SINGH PURI)

07.04.2025
rakesh

JUDGE

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