

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-18597 of 2012 (O&M)
DATE OF DECISION : 10.7.2015

Raj Kumar

PETITIONER

VERSUS

The State of Haryana

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Atul Kaushik for Shri Pankaj Maini, Advocate for the petitioner.

Shri Anmol Malik, A.A.G. Haryana.

Shri N.S.Shekhawat, Advocate for respondent-3.

MAHESH GROVER, J.

This petition under Section 438 Cr.P.C. has been filed by the petitioner for grant of pre-arrest bail in a case registered vide F.I.R. No.285 dated 4.6.2012 under Sections 406,498-A,323,506/34 I.P.C. at Police Station Civil Lines, Gurgaon. This petition has been pending since 2012. During the course of hearing, orders dated 25.3.2013, 9.4.2013 21.5.2014, 19.8.2014 10.9.2014,

21.1.2015 and 6.5.2015 were passed by this Court.

The parties are present in Court.

Largely, the parties had at one point of time, agreed to settle the issue. The petitioner had agreed to pay Rs.17 lacs to the child by way of F.D.R. out of which an amount of Rs.10 lacs has been given and the balance of Rs.7 lacs was to be paid on the second motion after the petition under Section 13-B of the Hindu Marriage Act was filed. It is at this stage that the parties have got stuck on account of frivolous objections that the visitation rights of the child are not being given to the petitioner which fact is seriously controverted by respondent No.3 who states that she never had any objection to the visitation rights of the petitioner in terms of the settlement and the petitioner was always permitted to meet the child, but the child herself was reluctant to meet him and therefore, this has resulted in a situation where the petitioner perceives this to be the handi work of respondent-3. It is on account of this only that the entire settlement between the parties is being held up.

Be that as it may, the Court has spent sufficient time with the parties and it finds that despite the settlement reached between the parties, they are stuck today in a situation which was existing prior to the settlement. The Court would have no mechanism to persuade the parties any further as almost three years have elapsed and thus, leaves them to their fate particularly when they refuse mediation as well.

In so far as the present petition is concerned, the petitioner has enjoyed the benefit of interim protection for the last three years in a case which pertains to a marital discord and as indicated above, it remains unresolved only because of the behaviour of both the parties.

Since the Court cannot spend any further time on the issue, it deems it appropriate to confirm the interim direction dated 27.6.2012 as no purpose

would be served by subjecting the petitioner to arrest. Besides, he has joined the investigation.

Regrets have been expressed by learned counsel for respondent-3 for non-appearance and therefore, the costs which were imposed vide order dated 6.5.2015, are waived of.

The petition stands disposed of.

Since the main case has been decided, all pending miscellaneous applications also stand disposed of.

July 10, 2015
GD

(MAHESH GROVER)
JUDGE