

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

**C.R.M-M No.16748 of 2015 (O&M)
Date of decision : 21.12.2015**

Manoj Phulara

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Deepak Thapar, Advocate
for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

Mr.J.P.Bhatt, Advocate
for the complainant-respondent No.2.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.77 dated 02.04.2015 registered under Sections 323/498-A/406/506/34 IPC at Police Station PGIMS, District Rohtak.

Today again the complainant-respondent No.2 has not appeared.

On 17.08.2015 the following order was passed :-

“Counsel for the petitioner states that after the matter was referred to the mediation, respondent No.2 never appeared before the Mediator.

Counsel for respondent No.2, on the other hand, states that respondent No.2 did not appear only because of the fear of the petitioner but he has instructions to say that his client is not averse to an amicable dissolution of the marriage. Counsel for the petitioner states that his client is also not averse to amicable dissolution of the marriage.

For this purpose, the parties are again referred back to the mediation. Let them appear before the Mediation Centre of this Court on 14.9.2015. Adjourned to 14.12.2015 to await the report of the Mediation Centre. Interim order to continue meanwhile.”

Even before the mediator the father of the complainant had come and stated that she is not interested for mediation.

In these circumstances I see no reason to keep this matter pending any more.

In view of the facts and circumstances of the case, without going into the merits of the case, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 20.05.2015 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.12.2015

Pooja sharma-I

(AJAY TEWARI)
JUDGE