

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

**C.R.M-M No.29710 of 2015
Date of Decision : 21.09.2015**

A. Sadiq Ali Bakshi @ Sadiq Ali Abdul Bakshi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. R.K. Chugh, Advocate
for the petitioner.
Ms. Tanushree Gupta, D.A.G., Haryana.
Complainant present in person.

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.86 dated 18.02.2014 registered under Sections 406, 498-A IPC at Police Station Sector 5, Panchkula.

On 03.09.2015 the following order was passed:-

“This petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.86 dated 18.02.2014 registered under Sections 406, 498-A IPC at Police Station

Panchkula, Sector 5, District Panchkula.

Notice of motion.

On the asking of the Court, Ms. Tanushree Gupta, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

Mr. Mansur Ali, Advocate has entered appearance on behalf of the complainant.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

Learned counsel for the complainant has very fairly stated that since the parties have three children the complainant is very keen to reconcile the marriage at least for their sake and therefore would welcome an attempt of mediation like she had before the trial Court (where as per him the petitioner resiled from all his assurances) and for the furtherance thereof would not oppose grant of interim bail at this stage provided the petitioner appears in Court and try to settle this dispute.

Learned Senior Counsel appearing on behalf of the petitioner has also appreciated the fair stand taken by the learned counsel for the complainant and has endorsed it saying that in the first place an attempt should be made to settle this dispute and he would ensure that the petitioner appears in Court on the next date of hearing.

Learned counsel for the complainant has further stated that the complainant and minor children have been awarded a sum of Rs.50,000/- p.m. as maintenance by order dated 19.05.2015.

Learned Senior Counsel appearing on behalf of the petitioner has very fairly stated that even though this is an ex-parte order yet to further bolster the chances of settlement the

petitioner would bring an amount of Rs.1,50,000/- by way of draft in favour of the complainant on the next date without prejudice to his rights before the competent court in regard to the maintenance.

Adjourned to 08.09.2015.

In the meantime, arrest of the petitioner shall remain stayed.”

Despite various attempts having been made the matter has not been settled. Parties are present in Court. Today the complainant has stated that despite the fact that the matter has not been settled she would not oppose the grant of anticipatory bail to the petitioner but she is very apprehensive that he would abscond and would go back to the United States and not be amenable to the laws of this Country. The learned Deputy Advocate General has argued that the allegations are serious. Apart from harassment for dowry and torture the petitioner is alleged to have illegally retained/destroyed the green card of the complainant and has fraudulently obtained ex-parte decree of divorce which is under challenge. Learned counsel for the petitioner has refuted these allegations.

In view of the facts and circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C. and to the condition that the passport of the petitioner will be retained by the investigating officer subject to any order passed by the

competent/trial Court.

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

September 21, 2015
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(AJAY TEWARI)
JUDGE