

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 33127 of 2014 (O&M)
Date of decision : February 24, 2015

Santosh Kumar,

..... Petitioner

v.

State of Haryana and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Petitioner in person with his counsel
Ms. Pooja Chopra, Advocate

Mr. Ashish Yadav, Addl. A.G Haryana

Respondent No.2 in person.

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 ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.571, dated 13.7.2014, registered under Sections 498-A, 323, 406, 506, 34 of the IPC, at Police Station Sector 5, Gurgaon, District Gurgaon.

On 24.9.2014, the following order was passed :-

“ Learned counsel has argued that apart from the merits of the case the petitioner is very keen to settle this matrimonial dispute with his wife.

On the oral request of the learned counsel, the complainant-Renu Kumari w/o Santosh Kumar, r/o 242/1, Bhim Garh Kheri Part-2, Gurgaon, is impleaded as respondent No.2.

Registry is directed to make necessary corrections in the memo of parties.

Notice of motion.

Learned counsel undertakes to serve the respondent No.2 by way of dasti process. May do so. Dasti only.

To show his bonafide the petitioner is directed to make a draft of Rs.50,000/- towards ex-parte interim maintenance and litigation expenses in favour of the respondent No.2 to be handed over to her along with the summons.

Registry is directed to not issue summons till such time the draft is shown.

To come up on 30.10.2014. Parties to the marriage are directed to be present in Court on the next date of hearing.

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

Thereafter, on 18.12.2014, the following order was passed :-

“ Parties are present in person. With the intervention of the learned counsel this dispute is close to end. Both the parties have agreed to give their matrimonial life another chance. The petitioner has stated that he will take independent premises on rent and both the parties will live together. Both the learned counsel are further requested to take proactive interest in the future of this young couple so that they can be taken out of the Court system and can live life as a good parents to bring up their only child.

Adjourned to 24.02.2015 to await the further developments.

Interim order to continue.”

Today, the parties are again present and the petitioner has flatly refused to let respondent No.2 stay with him because of what he says were the acts of omission and commission of the past six years of their marriage. I put it to him that if he was so sure that he would not be able to pull along with his wife then what was the need to make the statements reproduced above, he has no satisfactory answer to the same. Respondent No.2 has again stated that she is willing to rehabilitate the marriage for the sake of the child.

In these circumstances, the only conclusion to which I have

arrived is that the petitioner has over-reached this Court and has made false statements persistently in order to avoid arrest. Such a person does not deserve the concession of anticipatory bail. Consequently, this petition is dismissed.

February 24, 2015

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**(AJAY TEWARI)
JUDGE**