

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-10488 of 2016

Date of decision : 06.05.2016

Nirmal Singh

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Y.D. Kaushik, Advocate for the petitioner

Ms. Mahima Yashpal, AAG Haryana

Mr. Bhavpreet Singh Dhatt, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 124 dated 28.02.2011 registered at Police Station Sector 7, Faridabad, District Faridabad under Sections 498-A, 406 IPC.

Learned counsel for the petitioner contends that the petitioner is in custody since 01.03.2016. He further states that the wife had filed a petition seeking divorce which was dismissed under Order 7 Rule 11 and first appeal was preferred and the parties were referred to mediation and at that time the husband was out of country but ultimately a compromise was effected and the petitioner was allowed anticipatory bail and he had joined the investigation and challan was filed and similarly a quashing petition was filed and a petition under Section 13-B of the Hindu Marriage Act was filed. He further states that petitioner could not appear on the second date and the divorce petition was dismissed and the wife approached the Court for cancellation of bail and he was taken in custody. He further states that charge has been framed and the trial will take time to conclude.

Learned counsel for the complainant has opposed the bail application and states that looking at the conduct of the petitioner he was not entitled to bail. It was urged that the petitioner had failed to appear before the Court and 2-3 dates were given. He further states that the petition was filed by the petitioner which has been dismissed with costs of Rs. 10,000/- which has not been paid till date and the petitioner would fly out of the country if bail is allowed to him. He further states that

the petitioner is avoiding service in the case fixed in the High Court for 24.05.2016.

It is a matrimonial dispute, the petitioner is in custody since 01.03.2016, he is ready to comply with any condition. He is also ready to deposit Rs. 10,000/- that were ordered in Crl. Misc. No. M-25688 of 2015 decided on 01.12.2015.

The trial will take long time to conclude but considering the past conduct of the petitioner, the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate with the condition that petitioner would deposit Rs. 10,000/- at the time of furnishing of bail bonds before the trial Court. He would also deposit his passport with the trial Court and will leave the country only with the prior permission of the Court. The petitioner would also appear in the High Court in the petition which is fixed for 24.05.2016.

May 06, 2016
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(ANITA CHAUDHARY)
JUDGE