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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1223-2017

Date of decision : 11.08.2017

Mayur Goel

... Petitioner

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Monika Thakur, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Sandeep Berwal, Advocate
for respondent Nos.6 and 7/complainant.

AMIT RAWAL, J. (ORAL)

The present petition under Section 438 Cr.P.C. filed at the instance of the petitioner-husband, is for releasing the petitioner on anticipatory bail in the event of his arrest in FIR No.120 dated 16.12.2016 under Sections 316, 323, 34, 354-B, 377, 406, 498-A of the IPC, registered at Police Station Women, Sonipat.

Learned counsel for the petitioner-husband submits that the marriage between the parties i.e. the petitioner and the complainant, was performed on 14.12.2015. However, on 14.02.2017 a child was also born, but before the birth, she had already on 08.07.2016, left the matrimonial home and an FIR has been registered on 16.12.2016.

This Court while issuing notice of motion had attempted to arrive a compromise through the Mediation, which has in previous orders failed. However, vide order dated 27.01.2017 granted interim stay was

subject to the terms and conditions and as well as deposit of ₹ 20,000/- as litigation expenses, which is stated to be deposited, was granted. For the sake of brevity, the order dated 27.01.2017 reads as under:-

"Parents of the petitioner are present in Court and states that they will make F.D of ₹ 1,00,000/- in favour of the minor child.

Learned counsel for the petitioner submits that petitioner's father runs a photo stat shop and the petitioner is working with him.

Keeping in view the fact that complainant is at the stage of delivering a child, notice of motion be issued for 06.04.2017, subject to deposit of ₹ 20,000/- as litigation expenses before the Registry of this Court.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;*
- ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- iii. a condition that the person shall not leave India without the previous permission of the Court and*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail was granted under that section. "*

In the order dated 20.04.2017, it has surfaced that during the

investigation, the complainant had refused to get the articles recovered, though, inadvertently, affidavit, instead of an application, has been referred to.

Ms. Mahima Yaspal, AAG, Haryana, on instruction from Inquiry Officer Sub-Inspector Baljit Singh, has shown to this Court the statement dated 18.12.2016, of the complainant-wife, indicating that she wants to recover her "*stridhan*" through the medium of the Court.

Without commenting upon the merits and demerits of the allegations/counter allegations, which would be subject to the proof of evidence to be led in the trial Court, I deem it appropriate to allow the petition by making interim order dated 27.01.2017 absolute. The petitioner shall remain on bail against the bail bonds already furnished to the satisfaction of the trial court subject to the condition that he will continue to appear before the trial court and will not absent himself without any sufficient cause.

The amount of ₹ 1,00,000/- created in the shape of FDR as per order dated 27.01.2017 in favour of the minor child and the custody of which is with the petitioner, which shall be seen by the trial Court at an appropriate stage.

However, the petitioner shall not encash the FDR during the pendency of the trial.

The petition stands allowed.

11.08.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes**

Whether Reportable **No**