

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

**CRM-M No.3550 of 2017 (O&M)**

**Date of decision: 21.04.2017**

Karan Singh

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

**Present:** Mr. N.K. Malhotra, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Surender Pal, Advocate for the complainant.

**REKHA MITTAL J.**

**CRM No.8037 of 2017**

Heard.

Allowed as prayed for.

Annexures P9 and P10 are taken on record subject to just  
exceptions.

Disposed of accordingly.

**CRM-M No.3550 of 2017**

The petitioner prays for grant of bail in anticipation of  
arrest in FIR No.80 dated 17.12.2016 under Sections 323, 342, 406,  
498-A and 506 of the Indian Penal Code (in short 'IPC') registered at  
Women Police Station, Panchkula.

Counsel for the petitioner has submitted that the petitioner  
is the father-in-law of complainant Yashleen Nitara @ Anu, married to

Vikram Singh in June, 2012. Vikram Singh is settled in Australia and at present he is residing there. Mother of Vikram Singh (wife of the present petitioner) was arrested in the case and allowed regular bail by the Judicial Magistrate vide order dated 08.02.2017. The complainant has not levelled any specific allegations against the petitioner.

The complainant went to Australia in September, 2012 and the present FIR is the result of temperamental differences between the husband and wife during their stay in Australia, therefore, the petitioner cannot be blamed in regard to allegations of harassment/maltreatment in connection with demand of dowry. It is further argued that the petitioner is ready to join investigation and face the proceedings, in accordance with law.

Counsel for the State has opposed the prayer with the submission that recovery is yet to be effected and in case the petitioner is allowed pre-arrest bail, it would be a serious set-back to progress in the investigation particularly in the circumstances that husband of the complainant is residing in Australia and has not bothered to come to India and sort out the dispute.

Counsel for the complainant has strongly opposed the prayer for bail with the submission that the petitioner for himself and on behalf of his son – Vikram Singh entered into a compromise whereby it was agreed that the in-laws family of the complainant would pay an amount of Rs.25 lacs. Later, another compromise/settlement was effected between the parties on 07.02.2017 wherein it was agreed that an amount of Rs.35 lacs shall be paid to the complainant. Karan Singh

and others, the first party to the compromise had breached the terms and conditions of the compromise, leaving the complainant at the mercy of her parents. It is vehemently argued that keeping in view conduct of the petitioner and his family members, the petitioner has dis-entitled himself to pre-arrest bail, a concession to be allowed by the Court.

A photocopy of the compromise-cum-settlement deed dated 07.02.2017 has been produced.

Counsel for the petitioner, in reply, has submitted that this compromise was arrived at between the parties due to pressure exerted upon the petitioner and his family members as at that time, Saroj Saharan wife of the petitioner was in custody.

Counsel for the complainant, while refuting contentions of the petitioner in this regard, has submitted that a detailed settlement was arrived at between the parties drafted with the active assistance of an Advocate representing the first party.

I have heard counsel for the parties, perused the paperbook and the police records.

Perusal of order dated 08.02.2017 a copy whereof was supplied by counsel for the complainant would make it evident that in those proceedings, the complainant appeared in person with Sh. Arvind Sood, Advocate before the Court of ACJM, Panchkula and made a statement that she has arrived at a compromise with the accused and has no objection if the accused is released on bail. No such plea was raised by counsel representing wife of the petitioner that compromise is the result of any pressure much less coercion upon in-laws family of the

complainant. Even no such plea was raised by the petitioner by filing an appropriate application before this Court. Counsel for the petitioner has not denied that the compromise-cum-settlement deed dated 07.02.2017 bears signatures of the petitioner, Smt. Kavita Saharan, Sh. Om Parkash and Sh. Ranjit Singh for themselves and also on behalf of Sh. Vikram Singh Saharan residing in Australia and Smt. Saroj Saharan confined in Central Jail, Ambala at the relevant time. The settlement runs into seven pages detailing terms and conditions settled between the complainant and the first party. One of the conditions in the settlement is that all the articles of jewellery, Istridhan, etc. belonging to the second party shall be retained by the first party and their other family members. The first party along with Sh. Vikram Singh Saharan and Smt. Saroj Saharan agreed to pay a lump-sum amount of Rs.35 lacs to the second party i.e. the complainant.

The petitioner has expressed his inability to comply with the terms and conditions of the compromise. As has been argued by counsel for the complainant, husband of the complainant is residing in Australia and has not bothered to contact the investigating agency much less to come to India for settling the dispute.

In view of the fact that the petitioner has resiled from the compromise speaks volumes about his conduct. As per the settlement, the petitioner and his family are in possession of jewellery and other articles of Istridhan, still to be recovered. Taken from any angle, the petitioner is not entitled to pre-arrest bail, a concession to be allowed by the Court only in extraordinary circumstances.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(REKHA MITTAL)  
JUDGE

21.04.2017  
*yakub*

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |