

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36536-2015
Date of decision-26.09.2017

Aditiya Sehgal

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gautam Dutt and Mr. Shiv Kumar, Advocates
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana assisted by
ASI Shahid Khan.

Mr. S.S.Sodhi, Advocate for
Mr. A.S.Kalra, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.22 dated 28.09.2015 registered under Sections 498-A, 354-(A)(1) and 406 read with Section 34 of the Indian Penal Code at Women Police Station, Sector-16, Faridabad.

On 21.10.2015, this Court had passed the following order:-

“Learned counsel for the petitioner submits that the allegations against the petitioner are general in nature and no specific date and time has been mentioned in the FIR. Learned counsel also submits that on the similar set of allegations, co-accused of the petitioner has been granted interim bail and the petitioner is ready to settle the dispute with the complainant.

Notice of motion.

On the asking of the Court, Mr. Deepak K. Grewal, DAG, Haryana accepts notice on behalf of State.

Mr. A.S. Kalra, Advocate, who is present in the Court, accepts notice on behalf of the complainant.

Learned counsel for the petitioner is directed to supply complete set of the petition to learned State counsel as well as learned counsel for the complainant during the course of the day.

Learned counsel for the complainant submits that the father-in-law and mother-in-law of the complainant have already been released on interim bail by the trial Court but the petitioner who is the husband of the complainant does not deserve concession of anticipatory bail as allegations against him are serious in nature.

In view of the submissions made by learned counsel for the petitioner and also the fact that co-accused have already been released on anticipatory bail, there is possibility of compromise/settlement between the parties, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the arresting officer subject to deposit of an amount of Rs.50,000/- with the arresting officer which shall be paid to the complainant. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

- (i) that the petitioner shall make himself available for interrogation before Arresting Officer as and when required;*
- (ii) that the petitioner 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 them from disclosing such facts to the court or to any police officer.*
- (iii) that the petitioner shall not leave India without the prior permission of the Court.*

To come up on 03.12.2015.

The petitioner as well as the complainant are directed to be present in the Court on the date fixed.”

On 13.07.2017, the following order was passed:-

“Learned counsel for the parties submit that a tentative settlement has been reached between the parties. The petitioner has undertaken to pay Rs.10 lacs for the education and welfare of the child and to provide reasonable accommodation in the same locality approved by the respondent.

Learned counsel for the petitioner states that he does not have complete instructions and prays for some time.

Post again on 10.08.2017.

Interim order to continue.

A photocopy of this order be placed on the connected case.”

Learned counsel contends that the petitioner stands by the undertaking made before this Court on 13.07.2017 to pay Rs.10,00,000/- for the education and welfare of the child and to provide reasonable accommodation in the same locality approved by the respondent-wife. The wife has now shifted to Mumbai along with child with regard to her job whereas the father-in-law of the petitioner has been residing in the accommodation on the first floor of house raised by the parents of the petitioner. It is further stated that the complainant has now raised a demand of Rs.45,00,000/- towards the settlement. However, the same is denied by learned counsel for the complainant.

It is further contended that in pursuance of the order dated 21.10.2015, the petitioner has repeatedly joined the investigation.

The learned State counsel on instructions submits that in pursuance of the order dated 21.10.2015, the petitioner has joined the investigation and he is not required for custodial interrogation.

Considering the fact that the petitioner has repeatedly joined investigation and is not required for further custodial interrogation, the interim bail granted by this Court vide order dated 21.10.2015, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

However, the petitioner shall deposit a sum of Rs.10,00,000/- in

any nationalized Bank in the name of the complainant, the dividends out of which shall be utilized by the complainant for the welfare of the child. The amount of Rs.10,00,000/- shall be adjusted towards the settlement amount as and when reached between the parties.

Needful be done within four weeks from today.

The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

September 26, 2017
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No