

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

Crl. Misc. M-46260 of 2017 (O&M)
Date of Decision: December 11, 2017

Saurabh Gaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.1152 dated 03.10.2017, under Sections 498-A, 323, 354, 377, 406, 506, 34 of Indian Penal Code, registered at Police Station Ballabgarh City, District Faridabad.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 21.11.2017. It is submitted that initially after the dispute arose between the parties, the matter was compromised and in terms of the compromise, a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent was filed. In terms of the compromise arrived at, a sum of Rs.15,00,000/-

was to be paid at the time of filing the petition and the balance amount on second motion. It is further submitted that a sum of Rs.15,00,000/- stands paid to the complainant at the time of filing of the petition, however, the petitioner decided that he would like to resume his matrimonial life and therefore, made a statement that he did not want to pursue with the petition filed under Section 13-B of Hindu Marriage Act, which came to be dismissed on 25.07.2017. It is argued that subsequently after a period of about one and a half month, the instant FIR was re-agitated. It is also contended that the petitioner is falsely implicated in the instant FIR, despite the fact that he has paid a sum of Rs.15,00,000/- to the complainant, therefore, the petitioner is entitled to be enlarged on bail.

Learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail, while submitting that recoveries are yet to be made.

At this stage, appearance has been caused by Mr. Saleem Ahmed, Advocate on behalf of the complainant and files the power of attorney, which is taken on record. He also opposes the grant of regular bail to the petitioner herein.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 21.11.2017 and that in fact a sum of Rs.15,00,000/- is already with the complainant, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on

execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 11, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No