

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

**CRM-M-5542-2017
Date of Decision: 13.07.2017**

Haroon & Antother

...Petitioners

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munfaid Khan, Advocate,
for the petitioners.

Mr. P. P. Chahar, DAG, Haryana,
assisted by ASI Surjit Singh.

Mr. D. S. Matya, Advocate,
for the complainant.

Complainant in person.

JAISHREE THAKUR, J. (Oral)

This is a petition, filed under Section 438 Cr.P.C., for the grant of anticipatory bail to the petitioners in case FIR No. 124 dated 10.04.2015, registered under Sections 498-A, 323, 354, 406 and 506 of the IPC at Police Station Sohna, District Gurugram.

The matter was taken up for hearing on 21.02.2017, on which date, a statement was made that the matrimonial dispute between the complainant and her husband has been compromised and pursuant thereof, the complainant was residing in her matrimonial home. It was further submitted that the compromise was effected after the rejection of the bail application by the Court below. On the basis of the said statement, the

petitioners were asked to join investigation within a period of ten days and it was further directed that in case they join investigation, they shall be released on interim bail. The complainant was also directed to be impleaded as respondent.

Today, the matter has been taken up for confirmation of the interim bail granted. The complainant is present in Court today and submits that the interim bail has been obtained by fraudulently alleging that there is a compromise entered into between the parties and on the basis of the compromise, she is now residing in her matrimonial home with her husband. In fact, it is submitted that she is still residing with her parents.

Counsel for the respondent-State confirms this fact that no compromise has been entered into between the parties and the complainant is still residing with her parents.

I have heard learned counsel for the parties as well as the complainant.

A reading of the order dated 21.02.2017 would show that a definite statement has been made that a compromise has been entered into between the parties and the complainant was then residing happily with her husband. Since this fact is disputed and that there is no compromise on the record, this Court is not inclined to confirm the anticipatory bail that was granted on 21.02.2017. Moreover, there are specific allegations that have been made against both the petitioners in the FIR which would not warrant interference by this Court.

It is well settled that anyone approaching the Court has to do so with clean hands and since the petitioners have obtained interim bail by misrepresenting the fact, this Court has no hesitation in dismissing the

instant petition.

Dismissed as such.

July 13, 2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No