

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-33115 of 2018

Date of Decision: 09.8.2018

Mohammad Irfan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Harinder Singh Sandhu, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 997 dated 30.10.2014 registered at Police Station City Karnal, District Karnal under Sections 406, 498-A, 506, 323 IPC.

Counsel for the petitioner contends that petitioner is in custody since 5.6.2018 and the trial would take time and no recovery is to be effected from him and it is a case of matrimonial dispute.

Counsel for the complainant opposes the prayer and states that anticipatory bail had been allowed to the petitioner and a condition was imposed regarding deposit of Rs. 2 lacs and the petitioner did not deposit the amount. Counsel refers to the order Annexure P-2.

On 9.5.2017 in CRM-M-3285-2015, the co-ordinate Bench had passed the following order:-

“In view of the totality of the facts and circumstances of the case, order dated 30.01.2015, passed by this Court whereby

the ad-interim anticipatory bail was granted to the petitioner is made absolute, subject to the condition that the petitioner deposit a sum of ₹ 2 lacs in the shape of FDR in the name of complainant, before the trial Court, within a period of six weeks, from the date of receipt of certified copy of this order. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”

The petitioner failed to deposit the amount. It is stated that the order passed by this Court was challenged in the Supreme Court and the SLP was also dismissed by the Apex Court on 10.8.2017.

Counsel for the petitioner contends that the petitioner does not have the means to pay the amount.

It is a matrimonial dispute. The petitioner has not paid the maintenance amount. Vide a separate order the District Judge had ordered civil imprisonment till the maintenance amount was paid.

The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate subject to deposit of Rs. 2 lacs before the trial Court. Release of the amount in favour of either party would be as per orders passed in CRM-M-3285-2015.

(ANITA CHAUDHRY)
JUDGE

August 09, 2018

Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No