

**Crl. Misc. No. M-37486 of 2017 (O&M) and
Crl. Misc. No. M-35213 of 2017**

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**Crl. Misc. No. M-37486 of 2017 (O&M)
Date of Decision : January 12, 2018**

Hari RamPetitioner

Versus

State of Haryana Respondent

Crl. Misc. No. M-35213 of 2017

YoginderPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G. Haryana.

Mr. R.S.Malik, Advocate
for the complainant.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-M-37486-2017 and CRM-M-35213-2017.

The petitioners in both these cases seek the concession of bail pending trial in FIR No. 20 dated 30.03.2017 under Sections 498-A, 406, 506, 354, 323, 34 IPC, Section 376 IPC added later, registered at Police Station Women, Sonapat.

The petitioner-Hari Ram is the brother-in-law (Devar) of the complainant and petitioner-Yoginder is the maternal uncle (Mama) of the complainant's husband.

It is submitted that the above said FIR is the result of matrimonial dispute between the complainant-Smt. Kirti and her husband-Prikshit son of Shri

Rajender Kaushik. It is submitted that during the pendency of these petitions the matter has been amicably resolved between the parties. The complainant Kirti and her husband-Prikshit, duly identified by their counsel, are present in Court.

The complainant and her husband have decided to part ways and file a petition under Section 13-B of the Hindu Marriage Act, 1955 on or before 31.01.2018. The complainant's husband-Prikshit has further agreed to handover a sum of ₹11 lakhs (Rupees eleven lakhs only) as full and final settlement of all claims-past, present and future, of the complainant in respect to her alimony, compensation, maintenance, istri dhan etc. The manner of disbursement of the said amount has been agreed upon between the parties and duly incorporated in the Compromise Deed dated 11.01.2018 drawn up between the parties. It is further submitted that though it is mentioned that the custody of the minor child shall be handed over at the time of payment of second instalment before the concerned Court, it is now agreed between the parties that the custody of the minor child shall be handed over to the complainant's husband (father of the child) at the time of recording of the statements of the parties at second motion in the petition under Section 13-B of the Hindu Marriage Act, 1955 after receipt of the full and final settled amount.

Cheque No. 348814 dated 11.01.2018 for ₹2,00,000/- (Rupees two lakhs only) drawn on Punjab National Bank, Delhi in favour of the complainant-Kirti has been handed over by Prikshit to her.

Compromise Deed dated 11.01.2018 as well as affidavits of the complainant and her husband along with photocopy of the cheque dated 11.01.2018 filed in Court today are taken on record subject to just exceptions.

Learned counsel for the complainant submits that his client has no objection in case the present petitions are allowed subject to the complainant's husband strictly adhering to the terms and conditions of the settlement. The complainant undertakes to abide by the terms and conditions of the settlement.

Learned counsel for the State, on instructions from ASI Saroj, verifies that the petitioners are not involved in any other criminal case. There are no allegations that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial of the case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioners incarcerated any longer.

Keeping in view the facts and circumstances of the case noted above specifically the settlement which has been arrived at between the parties but without expressing any opinion on the merits of case, it is considered just and expedient to allow these petitions.

Consequently, the petitioners Hari Ram and Yoginder be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

12.01.2018
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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No