

Criminal Misc. No. M- 41892 of 2016 (O&M)

Date of decision : May 02, 2018

Mahender Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Respondent No. 2 in person.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 856 dated 14.10.2016 under Sections 323, 406, 494, 498A, 506 IPC registered at Police Station Camp Palwal, District Palwal.

The petitioner and the complainant – wife have amicably resolved the matter during the pendency of this petition. Compromise dated 12.12.2017 is attached with the file of this case. It is informed that petition under Sections 13B of Hindu Marriage Act, 1955 has since been filed by the petitioner and respondent No.2. Their statements at first motion have been recorded. FDRs, as mentioned in the compromise, have been handed over to respondent No. 2.

The petitioner undertakes that possession of the flat in question shall be handed over to respondent No.2 by 30.08.2018 after clearing the loan or any other encumbrances which may be there on the said flat.

Respondent No. 2, duly identified by ASI Pop Singh, is present in Court. She submits that she has no objection, in case, this petition is allowed, subject to the petitioner strictly adhering to the terms and conditions of the settlement.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer/ Arresting officer. He shall appear before the Investigating agency as and when required. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

However, liberty is afforded to respondent No.2 to move an appropriate application in this matter, in case, the terms and conditions of settlement between the parties are not adhered to by the petitioner.

May 02, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No