

CRM-M-28522-2016

Date of Decision : 03.05.2019

Surender

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Abhinav Gupta, Advocate
for the petitioner.Mr. Amrik Narwal, DAG, Haryana
for respondent No.1-State.Mr. Aayush Gupta, Advocate
for respondent No.2.**FATEH DEEP SINGH, J. (ORAL)**

As per the report of the Mediator dated 25.07.2017, settlement between the parties could not be effected.

Let arguments be heard.

This order shall dispose off first anticipatory bail application filed by petitioner-Surender under Section 438 Cr.P.C in a case bearing FIR No.117 dated 30.06.2016 filed under Sections 406/498-A/506/34 of the Indian Penal Code registered at Police Station Women, Gurgaon.

The brief allegations levelled by the complainant are that her marriage with the petitioner was solemnized on 05.11.2009 wherein, as per

the asking of the petitioner's family, adequate dowry was given. However, a demand of a car was raised by the petitioner followed by physical abuse of the complainant. It is alleged that subsequent thereto, the family of the petitioner did not desist from raising such demands and each and every family member have been raising demands at different point of time and on account of physical as well as mental cruelty, she was hounded out of her matrimonial home, leading to the registration of the present case.

Learned counsel for the petitioner contends that the parties have subsequently effected a compromise and that all the articles of *Istridhan* stands returned back and the demands of the complainant for the settlement had been adequately complied with and has placed on record the photocopy of the settlement dated 25.02.2019.

The learned State counsel, assisted by Mr. Aayush Gupta, Advocate for the complainant/respondent No.2, though conceded at bar that being a pure matrimonial dispute, the parties have effected a settlement. Counsel for the complainant does not disputes the factum of this settlement placed before this Court by counsel for the petitioner.

In light of the same and the offences for which the petitioner has been hauled up, nothing remains to be recovered from him and it would be travesty of justice by sending the petitioner behind the bars.

In light of this arrangement, the present petition is allowed. Petitioner-Surender would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On his doing so, the petitioner shall be released on interim bail to the satisfaction of

arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

03.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No