

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-31093 of 2018 (O&M)

Date of Decision: April 01, 2019.

Nitin and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE AJAY TEWARI.

Present: Mr.G.C.Shahpuri, for the petitioners.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Rajesh Kumar, Advocate, for respondent No.2.

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Ajay Tewari, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioners in case FIR No.144 dated 15.05.2018 registered under Sections 323/377/498-A/406/506 IPC at Police Station Mahesh Nagar, Ambala Cantt.

On 25.07.2018, this Court passed the following order:-

“Learned counsel for the petitioners would contend that an effort should be made to rehabilitate the marriage. In fact, earlier efforts had also been made which had not been fructified.

Notice of motion.

In view of the earnest plea made that the petitioners herein would make every effort to rehabilitate the complainant. Let this matter be referred to the Mediation and

Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 24.08.2018.

The petitioner is directed to pay a sum of ₹33,000/- towards litigation expenses to the respondent No.2-wife before the Mediation and conciliation Center of this Court.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Thereafter, report of the Mediator has come in which it is stated that no settlement has been arrived at between the parties.

Respondent No.2 is present in Court. She states that she is very much interested in rehabilitating the marriage and for that purpose, would not oppose the grant of anticipatory bail to the petitioner but the fact of the matter is that for the last three years, the petitioners have not given a single penny to her except Rs.33,000/- towards litigation expenses which was directed by this Court.

Counsel for the petitioner has argued that respondent No.2 has filed an application for maintenance before the competent Court. He further states that the parties are living separately for the last three years.

In these circumstances, I deem it appropriate to grant a sum of ₹.5,000/- per month to respondent No.2 as interim maintenance from 01.01.2017 without reference to the merits of the case and would be subject to decision on the maintenance application to be taken by the competent court.

Let the petitioners deposit ₹1,40,000/-, i.e., upto date amount, before the trial Court on 19.04.2019. On doing so, the interim order dated 25.07.2019 shall be made absolute.

The petition stands disposed of accordingly.

April 01, 2019
mohinder

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No