

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30882-2019

Date of decision:1.10.2019

RAVI PARKASH

....Petitioner

Versus

STATE OF HARYANA & ANR

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.188 dated 18.4.2019 under Sections 323, 34, 498-A, 406, 506 IPC, Police Station Mahendergarh, District Mahendergarh.
2. Mr. Manish Mehta, Advocate has put in appearance on behalf of the complainant and has filed memorandum of appearance, which is taken on record.
3. The FIR was registered at the instance of Monika wherein it has been alleged that her marriage was solemnized with petitioner-Ravi Parkash on 3.3.2014 and they were blessed with a daughter. It is alleged that shortly after the marriage, the petitioner and other members of his family started inflicting physical and mental cruelty upon the complainant and also administered some intoxicating substance to her as a result of which she

became unconscious. It is alleged that accused are now not permitting the complainant to enter into matrimonial home and that their conduct has always been such so as to cause bodily harm to the complainant. It is further alleged that accused had also retained articles of her '*Istri Dhan*'.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in fact the matter had earlier been amicably resolved between the parties vide a settlement dated 27.9.2018 (Annexure P-3) as per which the petitioner was to pay an amount of ₹6 Lacs in lump-sum towards permanent alimony to the complainant and that although an amount of ₹1 Lac already stands paid and he had offered another amount of ₹5 Lacs to the complainant before the District Legal Services, Narnaul but complainant refused to accept the same.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that it is petitioner himself who has not honoured the terms of compromise and has been having illegal custody of the daughter of the complainant. Learned counsel for the complainant has further submitted that since articles of Jewellery are yet to be recovered, no case for grant of bail is made out. Learned State counsel has however informed that the petitioner has since joined investigation and that it is the complainant herself who had refused to accept the articles of Jewellery.
6. Having regard to the facts and circumstances of the case and the fact that petitioner has already joined investigation and had also offered to pay an amount of ₹5 Lacs at one stage as agreed, in my opinion, present case is not such, which would warrant custodial interrogation. Accordingly the

petition is accepted and the interim directions issued vide dated 22.7.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. The Secretary District Legal Services, Narnaul is directed to refund the amount of ₹5 Lacs to the petitioner, which is stated to have been deposited by the petitioner before the said authority.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

1.10.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No