

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

CRM-M-54776 of 2019.

Decided on:- February 28, 2020.

Rakesh Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Alisha Soni, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. M.K. Singla, Advocate and
Ms. Shikha Singla, Advocate for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.63 dated 28.11.2019 under Sections 323, 365, 511 and 506 read with Section 34 IPC registered at Women Police Station, Hansi.

On 20.12.2019, when this petition came up for hearing before this Court, on the statement of learned counsel for the petitioner that it is an *inter se* dispute between the petitioner-husband and the complainant-wife, the matter was referred to the Mediation and Conciliation Centre of this Court and the parties were directed to appear there on 27.01.2020. However, the petitioner was directed to pay a sum of Rs.20,000/- to the complainant-wife on her appearance before the Mediator as litigation expenses and it was made clear that the payment of this amount shall be a condition precedent for

initiation of mediation proceedings. However, the reports from the Mediator dated 27.01.2020 and 10.02.2020 reveals that the said amount was not paid by the petitioner despite there being a clear direction that the payment of Rs.20,000/- would be a condition precedent for initiation of mediation proceedings. It was only on 27.02.2020, the petitioner paid the amount of Rs.20,000/- to the complainant as litigation expenses. The report dated 27.02.2020 received from the Mediator suggests that the mediation could not succeed.

Learned counsel for the petitioner has argued that the petitioner is ready to take his wife to the matrimonial home and the petitioner has denied the allegations as made in the FIR in its totality.

On the other hand, learned counsel for the complainant, on instructions from the complainant, who is present in Court, submits that the petitioner has been torturing and beating the complainant in an inhuman manner. He has produced some photographs of CCTV footage dated 08.11.2019 at about 09.54 A.M., wherein the petitioner is badly dragging the complainant, which has caused injuries to her. The said photographs are taken on record. He has also referred to the Kalandra registered against the petitioner under Section 107/151 IPC at Police Station Sadar Hansi in support of his contention that the petitioner is in habit of harassing the complainant.

I have heard learned counsel for the parties.

After seeing the photographs of CCTV footage so produced before this Court, this Court finds that the conduct of the petitioner is totally uncalled for towards his wife. Accordingly, considering the nature of allegations levelled against the petitioner and noticing the photographs of

CCTV footage, this Court finds that no ground is made out to grant anticipatory bail to the petitioner.

Moreover, despite there being a clear recital in the order dated 20.12.2019 passed by this Court, whereby while referring the matter to mediation, it was specifically made clear that the payment of Rs.20,000/- to the wife shall be a condition precedent for initiation of mediation, but the petitioner did not deposit such amount despite availing two opportunities to join mediation.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

February 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No