

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

CRM-M-5673-2021 (O&M)

Date of decision: 23.02.2021

Abhishek Mangal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Karan Bhardwaj, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

CRM-4529-2021

This is an application for placing on record agreement dated 10.02.2021 and affidavit of complainant/respondent No.2 dated 10.02.2021 as Annexures A1 and A2 respectively. Allowed subject to all just exceptions. Documents be taken on record.

Main Case

This petition for pre-arrest bail has been filed by petitioner Abhishek Mandal, an accused in FIR No.15 dated 09.01.2021, for offences under Sections 323, 354, 377, 498-A and 406 IPC, registered with Police Station Sirsa City, District Sirsa.

Briefly stated the facts of the case are that, complainant Ms. Himanshi, had lodged the instant FIR against her husband Abhishek

Mangal as well as father in-law Arun Mangal, mother in-law Shikha Mangal and sisters in-law Ayushi Mangal and Sanchi on the allegations that after her marriage with Abhishek Mangal on 09.02.2020 at Classic Castle, Ferozepur, Punjab, which was performed in a lavish manner by her parents, who had given considerable dowry articles to her, she was harassed and maltreated by the accused in connection with demand of more dowry and they had committed criminal breach of trust with regard to her istridhan articles; in addition to that, there are allegations against her father in-law of making an attempt to outrage her modesty and her husband of having sex with her against the order of nature; after registration of the FIR, petitioner/accused Abhishek Mangal had approached the Court of Sessions at Sirsa by moving an application for grant of pre-arrest bail. His such application which was assigned to Addl. Sessions Judge, Sirsa, was, however, dismissed, vide order dated 02.02.2021. As such, the petitioner has approached this Court, craving for grant of similar relief, by way of filing the present petition, notice of which was given to the State as well as complainant. Complainant has not put in appearance despite service, whereas, representation on behalf of the State is there.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has stated that the matter has since been compromised between the parties, vide written compromise, copy of which has been placed on record as Annexure A1.

He has further contended that in terms of the said compromise, both the spouses have decided to get their marriage dissolved by way of decree by mutual consent, wherein their statements have been recorded on first motion and for the purpose of recording statements of spouses on second motion, the next date of hearing in the trial Court is 01.03.2021.

Ld. State counsel, on instructions from SI Om Parkash states that the matter has in fact been compromised between the petitioner/accused and complainant/respondent No.2 and a cancellation report in that regard has been prepared, which is pending approval of the competent authority. He states that under these circumstances, the petitioner is not required by the police for custodial interrogation.

In view of the fact that the matter has been compromised between the parties and statement made by the State counsel, the petition calls for acceptance, the same is allowed and it is directed that in the event of arrest of the petitioner in this case, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the following conditions:-

1. that the petitioner shall make himself available for investigation by a police officer as and when required;
2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. that he shall not leave India without prior permission of the Court.

In case, the petitioner violates any terms & conditions, on

which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

23.02.2021
sumit.k

(H.S. MADAAN)
JUDGE

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