

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

**CRM-M-36101-2020(O&M)
Date of decision: 10.03.2021**

Ram Kumar

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Naresh Kaushik, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 240 dated 02.09.2020 registered under Sections 406 and 498-A IPC, at Police Station Mullana, District Ambala.

Learned counsel for the petitioner states that the marriage of the petitioner was solemnised with the complainant on 08.03.2019, who is a deaf and dumb, and out of the said wedlock, a baby girl was also born. The petitioner has been disowned by his parents. The petitioner and his family

members have wrongly been implicated in the present case and the allegations levelled in the FIR are false, frivolous and baseless. All the amenities for life were provided by the petitioner to the complainant but she had left her matrimonial home of her own without any reason. It was the complainant, who used to quarrel and misbehave with the petitioner and his parents.

Learned counsel for the petitioner further points out that the petitioner also filed a petition under Section 9 of the Hindu Marriage Act, wherein he had taken a plea to maintain the complainant and minor daughter. The said petition is pending adjudication before the learned Family Court, Ambala. During the pendency of this petition, the parties were relegated to the Mediation and Conciliation Centre of this Court and arrest of the petitioner was stayed, vide order dated 05.11.2020 passed by this Court. However, as per the report dated 18.01.2021 of Mediation and Conciliation Centre, no settlement has been arrived at between the parties.

Learned counsel for the complainant points out that even after the assurance, the complainant and minor daughter were not taken back by the petitioner and the complainant had been ill-treated by the petitioner and his family members. It is also specifically mentioned in the order dated 29.10.2020 passed by the learned Additional Sessions Judge, Ambala, while declining the bail to the petitioner that the mediation was effected, but as per the report of the Investigating Officer, he did not cooperate.

I have heard the learned counsel for the parties.

The mediation has failed and despite the assurance, the petitioner has not taken back the complainant and their minor daughter. Hence, the petitioner is not entitled for the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

10.03.2021
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No