

226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10772-2022

Date of Decision: 28.07.2022

RAHUL SAIN

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Vishal Yadav , Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Mr. Rao Ajender Singh, Advocate,
for respondent No.2/complainant.

VIVEK PURI, J.(ORAL)

On 14.03.2022, following order was passed:-

“Present petition is under Section 438 Cr.P.C for seeking anticipatory bail to the petitioner in case FIR No. 05 dated 24.01.2022, under Sections 34/377/406/498-A/506 IPC, 1860 at Women Police Station, District Rewari.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 01.12.2020, there are general and vague allegations levelled in the FIR, there is no allegation with regard to commission of offence under Section 377 IPC in the earlier complaint (Annexure P-2) submitted by the complainant to Chowki Incharge, Police Post Bharawas, Rewari and the petitioner is further ready and willing to amicably settle the matrimonial dispute. It has been further contended that there are false allegations with regard to payment of Rs. 5,00,000/- after pre-mature encashment of fixed deposit. In fact, the petitioner had borrowed Rs. 3,00,000/- from his employer and is repaying the same in installments.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana accepts notice on behalf of the respondent-State.

On the oral request of the learned counsel for the petitioner, the complainant i.e. Neha, daughter of Vijay Kumar, R/o Village Bharawas, Tehsil and District Rewari is impleaded as respondent No.2 in order to explore the possibility of amicable settlement.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.04.2022.

To await the report, list on 28.07.2022.

However, the petitioner shall pay a sum of Rs. 20,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate his presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to

the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, the matter has been amicably settled in the Mediation and Conciliation Centre of this Court. As per the agreement, the petitioner has to pay a sum of Rs.5 lakh on account of permanent alimony to the complainant. A sum of Rs.3 lakh is required to be paid today.

A cheque bearing no.778957 dated 25.07.2022 drawn on Punjab National Bank for a sum of Rs.3 lakh has been handed over by the learned counsel for the petitioner to the learned counsel for respondent No.2/complainant. The petitioner and the complainant shall be moving a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent. Furthermore, a separate petition bearing CRM-M-30603-2022 has been instituted for quashing of FIR on the basis of compromise.

Learned State counsel, on instructions from ASI Sunita, has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for respondent No.2/complainant has also not assailed the aforesaid factual aspects as asserted by learned counsel for the petitioner.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 14.03.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

28.07.2022
smriti

(VIVEK PURI)
JUDGE

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