

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

201

CRM-M-24375-2021

Date of Decision:13.07.2022

MOHIT

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Lovish Mittal, Advocate for
Mr. Pratham Sethi, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Ketan Antil, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.92 dated 12.06.2021, registered under Sections 498-A, 406, 323, 354, 377, 506 and 34 of IPC, 1860, at Women Police Station, District Sonapat, Annexure P-1 .

On 30.06.2021, this Court had passed the following order:-

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia contending that the FIR is only a counter blast to the divorce petition filed by the petitioner. It is submitted that the petitioner is ready and willing to join the investigation and hand over whatever dowry articles are in his possession. He further contends that the matter being a matrimonial dispute and involving a minor child can be settled amicably and prays that the matter ought to be referred for mediation.

On oral request of the counsel for the petitioner, the complainant namely Madhu, D/o Subhash, R/o Sonapat, Haryana is ordered to be impleaded as respondent No. 2 in the petition.

Notice of motion for 23.11.2021 to the State as well as to the newly impleaded respondent No. 2.

Ms. Deepshikha Chauhan, AAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent-State and seeks time to file reply.

Since there is a minor child involved and there are chances of an amicable settlement, the matter is referred to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 03.08.2021. A sum of ₹22,000/- as litigation expenses will be paid by the petitioner to the complainant on the first date of appearance before the Mediation Centre.

The petitioner is directed to appear before the I.O. within a period of one week and hand over all the dowry articles lying in his possession. In the event of arrest, the petitioner will be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Status report/reply by way of an affidavit of Additional Superintendent of Police, Sonipat has been filed on behalf of respondent No.1-State, which has been taken on record.

State counsel has invited the attention of the Court to Para 03 of the status report, which is reproduced as under:-

“3. That during investigation, the complainant was got examined medico-legally and her statement under Section 164 Cr.P.C. was got recorded before learned Judicial Magistrate, wherein she corroborated the contents of FIR. On 17.06.2021, complainant produced the list of dowry articles and photographs of marriage, which were taken into possession. On the same day, complainant gave in writing that she does not want to get her dowry articles recovered through the process of police and she will get the same through the process of the Court. It is pertinent to mention here that at the time of medical examination, the complainant refused herself for internal medical examination voluntarily. Statements

of witnesses were recorded and other relevant evidence has also been collected. The facts of the case have been got verified from the higher officers of the department and as per the available evidence and verification of facts from the higher officers, no incriminating evidence was found to effect the arrest of Smt. Kamlesh wife of Anil Kumar, Anil Kumar son of Shri Karan Singh, Shital wife of Atul and daughter of Anil Kumar and Smt. Babita wife of Mukesh in the instant case and they were found innocent in the instant case and are kept in column No. 12.”

Upon instructions from L/ASI Seema, she submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above, the present petition is allowed and the order dated 30.06.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

13.07.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No