

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

Sr. No.208

CRM-M-30049-2021

Date of decision: 28.07.2022

Sandeep Rajbhar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arun Singla, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.54 dated 12.04.2021 registered under Sections 323, 406 and 498-A IPC at Police Station Kalka, District Panchkula.

On July 30, 2021, this Court had issued notice through the following order:-

“Prayer in this petition is for anticipatory bail to the petitioner in case FIR No. 54, dated 12.04.2021, registered under Sections 323, 406, 498-A of IPC, lodged at Police Station Kalka, District Panchkula (Haryana).

Learned counsel for the petitioner submits that totally fabricated and false allegations have been levelled against the petitioner by the complainant-wife, as she was unwilling to stay in the joint family setup at her matrimonial home. He further submits that since the petitioner refused to move out, the complainant foisted the case in hand on him and his other family members.

Notice of motion for 26.10.2021.

On the asking of the Court, Ms. Gaganpreet Kaur, AAG, Haryana, who is appearing through video conferencing, accepts notice on behalf of the State.

Let a copy of the complete paper book be supplied to the learned State counsel during the course of the day.

Learned counsel further submits that the parties have a 3 years old daughter and the petitioner is still willing to sort out all the differences with the complainant-wife. Further submits that the petitioner has

also filed a petition under Section 9 of the Hindu Marriage Act in the said regard, which shows his bona fides.

On oral request of learned counsel for the petitioner, the complainant-wife is also impleaded as respondent No.2 in the array of respondents.

Amended memo of parties be filed in the registry.

Let notice be issued to the complainant-wife (respondent No.2) to appear before the Mediation and Conciliation Centre of this Court on 21.08.2021. The parties shall remain present before the Mediation and Conciliation Centre of this Court on the date fixed and the petitioner-husband shall pay a sum of Rs.20,000/- on account of litigation expenses, to the complainant-wife (respondent No.2) on her appearance before the said Forum.

Meanwhile, no coercive steps be taken against the petitioner till the next date of hearing. However, it is made clear that this order shall not bestow any right upon the petitioner to join investigation.”

The parties joined the mediation proceedings but the same failed. Thereafter, on February 24, 2022, this Court had passed the following order:-

“As per the report received from the Mediation and Conciliation Center, the parties failed to amicably settle their dispute.

Learned counsel for the petitioner submits that petitioner is ready to join investigation and cooperate with the investigating agency.

In the circumstances, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 28.07.2022.”

Learned State counsel submits that under the afore-quoted order of this Court dated 24.02.2022, the petitioner has joined the

investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted orders and the statement made on behalf of the State, the interim order of this Court dated 24.02.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

July 28, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No