

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32131-2022

Date of Decision: 29.11.2022

BABITA RANI AND ANOTHER ... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raghav Sharma, Advocate, for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Pawan Kumar Hooda, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

On 26.07.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in the case bearing FIR No. 185 dated 12.05.2022 registered under Sections 313, 323, 34, 354-A, 406, 498-A IPC at Police Station Madlauda Panipat(P-1).

Learned counsel for the petitioners contend that marriage of the complainant with *Shanky*, son of the petitioners, was solemnized in the year 2015 and a daughter has been born from the wedlock in the year 2016. The son of the petitioners committed suicide in the year 2021. The complainant along with her minor daughter is residing in her parental house. It has been further stated that there is no allegation with regard to commission of offence under Section 376 IPC in the FIR. The petitioners are ready and willing to amicably settle the dispute with their daughter-in-law.

On the oral request of the complainant i.e. Jyoti daughter of Mahinder Singh resident of village Ahar, Panipat is impleaded as respondent No. 2. Registry is directed to do the needful.

Notice of motion.

Ms. Trishanjali Sharma, DAG Haryana, who is present in the Court, accepts notice on behalf of State of Haryana.

Mr. Pawan Kumar Hooda, Advocate filed his power of attorney on behalf of the complainant and stated that he has no objection if the possibility of amicable settlement is explored.

Learned counsel for the petitioners as well as learned counsel for the complainant are *ad item* that

possibility of amicable settlement through the process of mediation may be explored.

The petitioners and the complainant are directed to appear before the Mediation and Conciliation Centre of this Court on 22.08.2022. On appearance of the complainant before the Mediator, the petitioners shall pay a sum of Rs. 30,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 29.11.2022.

Meanwhile, in the event of arrest, petitioners shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

As per the report received from the Mediator, the parties could not reach amicable settlement.

Learned counsel for the petitioners contend that on conclusion of investigation, challan has been presented only with regard to the offences under Sections 323, 406, 498-A IPC read with Section 34 IPC. He further contends that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from H.C.Poonam, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioners are not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 26.07.2022 vide which the petitioners have been granted interim bail, is made absolute.

Petition is allowed.

29.11.2022
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(VIVEK PURI)
JUDGE

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