

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

205-1

CRM-M-31755-2019

Date of Decision:17.01.2022

PAWAN KUMAR GARG AND ANR

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.K. Verma, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. P.S. Jammu, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No.363 dated 27.06.2019, registered under Sections 307/34/354/354-D/377/406/498-A and 506 of IPC, 1860, at Police Station Sirsa City, District Sirsa, Annexure P-1.

Counsel for the petitioners submits that FIR is a result of marital discord between petitioner No.1 and the complainant. He submits that petitioner No.2 is the brother-in-law of the complainant and the dispute between the parties has been settled by virtue of compromise dated 06.08.2021, Annexure P-10. Still further, he submits that marriage has been dissolved by virtue of decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, passed on 03.01.2022. A copy of the judgment and decree has been filed, which is taken on record as Mark 'A'.

Upon instructions from ASI Krishan Kumar, State counsel submits that the matter is under investigation and some dowry articles allegedly entrusted to the accused have been recovered.

Counsel representing complainant has admitted the factum of compromise and has submitted that a separate petition (CRM-M-33242-2021) has been filed seeking quashing of FIR on the basis of a compromise, which is pending before this Court for today.

In view of the above, the present petition is allowed and the order dated 09.07.2021 whereby the arrest of the petitioner in FIR, Annexure P-1, was stayed is made absolute.

However, liberty is granted to the complainant to revive the petition, in case, the compromise fails.

17.01.2022
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(SUVIR SEHGAL)
JUDGE

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