

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

104

CRM-M-46880-2021

Date of decision: 27.01.2022

BHIM SINGH AND OTHERS

...petitioners

V/S

STATE OF HARYANA AND OTHERS

...respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioners

Mr. Neeraj Poswal, AAG Haryana

Mr. Pawan Singh, Advocate
for respondent No. 4

Amol Rattan Singh, J. (Oral):-

Case heard by video conferencing.

By this petition filed under Section 482 Cr.P.C. read with Section 438 thereof, the petitioners seek grant of blanket bail in anticipation of their arrest, as they have an apprehension of implication in some criminal case or FIR, at the behest of respondent no. 4.

On 10.12.2021, the following order had been passed by this court:-

The reply filed by the Deputy Commissioner of Police, Manesar, Police Commissionerate Gurugram, dated 07.12.2021, is ordered to be taken on record.

In the said affidavit it is stated that on a complaint received against the petitioners made by respondent no. 4 (the wife of petitioner no. 3), the matter has eventually been forwarded to the

Mediation and Conciliation Centre in the District Courts at Gurugram, to try and resolve it, with learned State counsel submitting that presently no investigation is ongoing and therefore the petitioners are not presently required for any such investigation.

That being so, the learned District Judge, Gurugram, would obtain the report of the learned Mediator as regards any fruitful result of the mediation proceedings/the stage thereof.

Adjourned to 20.01.2022.

In the meanwhile, till the next date of hearing only and specifically, since the matter is still stated to be in mediation proceedings, the petitioners be not arrested.

It is made clear however that if mediation proceedings fail and counsel for the petitioners seeks any adjournment on the next date of hearing, the interim order would be liable to be vacated on that date itself.

Thereafter, on 21.01.2022, the following order had been passed:-

xx xx xx xx xx xx

Though learned counsel for the petitioners is not present in Court today it being well past 4:00 p.m. by the time that the turn of the case has come up, a report from the learned Sessions Judge, Gurugram, has been received, annexing there-with the report of the learned Chief Judicial Magistrate-cum-Secretary-District Legal Service Authority, dated 19.01.2022, stating to the effect that on four dates running, neither party appeared before the learned Mediator, though on 02.12.2021 one person, i.e. Rekha (respondent No.4), did appear; and consequently the matter had been returned to the Police Station Women Cell, Manesar.

In any case, this being a petition by which the petitioners seek the concession of blanket bail, with learned counsel for the respondents opposing it, adjourned to 27.01.2022.

To be shown in the urgent motion list.

It is made clear that if counsel for the petitioners does not appear on that date also, the interim order passed in favour of the petitioners shall stand vacated.

Interim order to continue till that date only and specifically.

Today, learned counsel for the petitioners is present and submits that the petitioners may be given 10 days notice if they are sought to be arrested, upon any complaint made by respondent no.4.

Learned State counsel submits that as a matter of fact the complaint has still not been converted into an FIR and the matter is being inquired into and consequently action would be taken as per law on the complaint as received.

Learned counsel for respondent no.4 submits that the petitioners may be directed to return the amount spent by the family of respondent no.4 at the time of her marriage to petitioner no.3.

Having considered the matter, firstly, as regards that contention of learned counsel for respondent no.4, this is not a petition filed by the said respondent and definitely not one seeking either divorce proceedings or restitution of conjugal rights etc.

However, as regards the contention of learned counsel for the petitioners that they may be given 10 days notice prior to their arrest, I find no ground to entertain that request either; and the petition is consequently disposed of with a direction to respondents no.1 to 3 to ensure that the ratio of the judgments of the Supreme Court in ***“Lalita Kumari vs. Govt.of U.P. and others”, Writ Petition (Criminal) 68 of 2008***, decided on 12.11.2013 and ***“Arnesh Kumar vs. State of Bihar” SLP (Criminal) No.9127 of 2013***, decided on 02.07.2014, are duly

followed and the directions given in those cases are duly complied with by the respondent-State before taking any action on the complaint of respondent no.4.

It is made absolutely clear that this court has made no comment whatsoever on the merits of the case either in respect of the complaint made by respondent no.4, or the averments of the petitioners, with that matter to be gone into by the investigating agency by following the procedure laid down in the aforesaid judgments.

The interim order earlier passed therefore no longer subsists.

(AMOL RATTAN SINGH)
JUDGE

27.01.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No