

CRM-M-48884-2021

Date of decision: 08.09.2022

AMIT SHARMA

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S.Narang, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
None for respondent No.2.

VIVEK PURI, J. (ORAL)

On 14.02.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.147 dated 02.07.2021 under Sections 313/354/377/498-A/506 IPC, registered at Police Station Farakpur, District Yamunanagar.

It has been contended by learned counsel for the petitioner that the petitioner is serving as Major in Indian Army and false and frivolous allegations have been levelled in the FIR.

It has been further stated that respondent No.3 had voluntarily suffered abortion on three occasions, there are vague allegations with regard to demand of dowry and even the payment with regard to purchase of scooty was made from the account of the petitioner. Moreover, all the dowry articles are with the complainant.

On the last date of hearing, learned counsel for respondent No. 3 had appeared and stated that the medical record of the abortions indicate that the consent of respondent No.3 was never secured and had sought time to produce the same. Today, one medical prescription, Annexure R-3/1 has been placed on record. However, the prescription slip does not indicate that consent of any such person was procured and record only pertains to one abortion.

Learned counsel for respondent No.3 has expressed his inability to place on record the material with regard to the other two abortions.

Learned State counsel has also sought some more time to file reply in the matter.

At this stage, learned counsel for respondent No.3 states

that possibility of amicable settlement through mediation may be explored in the instant case. Learned counsel for the petitioner has also stated that he is not averse to such process being adopted for amicable settlement and he is also prepared to bear the necessary expenses to facilitate the presence and participation of respondent No.3 in the mediation proceedings.

Let the parties appear before the Mediation and Conciliation Centre of this Court on 22.03.2022.

For awaiting the report of the Mediator, adjourned to 26.05.2022.

Petitioner is also directed to pay Rs. 20,000/- on appearance of respondent No.3 before the Mediator to facilitate her presence and participation in the mediation proceedings.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

As per report received from the Mediation and Conciliation Centre of this Court, the mediation could not be conducted in the absence of the parties.

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Sumer Pal, learned State counsel submits that he does not intend to file any reply in the matter. He further submits that the petitioner has joined the investigation in pursuance of interim directions and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 14.02.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

08.09.2022

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(VIVEK PURI)
JUDGE

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