

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

**CRM-M-40862-2019
Date of Decision 15.02.2022**

NAVJOT **.....Petitioner**

VS

STATE OF HARYANA AND ANOTHER **.....Respondents**

CORAM:- HON'BLE MR JUSTICE VIVEK PURI

Present:- Mr. V.K. Jindal Senior Advocate, with
 Mr. Akshay Kumar Jindal, Advocate for the petitioner.

 Mr. Zorawar Singh Chauhan, DAG, Haryana.

 Mr. Gaurav Arora, Advocate for respondent No. 2.

(The case has been taken up through video conferencing on
account of Covid-19 pandemic)

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking
anticipatory bail to the petitioner in case FIR No. 74 dated 12.09.2019
registered under Sections 323/406/498-A, 506 IPC, 1860, at Police Station
Women, Ambala, District Ambala.

On 23.09.2019, the following order was passed.

*“Learned senior counsel has argued that the parties are
well qualified and out of the wedlock, they are blessed with a son,
who is staying with the petitioner. The complainant is at advance
stage of pregnancy. He states that the matter can be resolved
through mediation.*

Notice of motion.

Matter is referred to Mediation and Conciliation Centre of

this Court.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 22.10.2019. However, the petitioner husband shall pay a sum of Rs.25,000/- to respondent-wife on her appearance before the aforesaid Centre as litigation expenses, which shall be a condition precedent for initiation of mediation proceedings.

Considering the fact that the complainant-wife is at an advance stage of pregnancy, in case she authorizes some body on her behalf to go for mediation, the mediation be held in her absence.

For awaiting report, list on 09.12.2019.

Meanwhile, till the next date of hearing, arrest of the petitioner shall remain stayed.”

However, the mediation remained unsuccessful and subsequently, on 24.08.2021, the following order was passed.

“It appears that mediation between the parties is unsuccessful. This Court is informed that the petitioner herein has already preferred a divorce petition as has the complainant. By an order dated 23.09.2019, arrest of the petitioner was stayed.

The petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 15.02.2022.”

Learned senior counsel for the petitioner contends that the petitioner has joined the investigation and his custodial interrogation is not required.

On the instructions of ASI Mamtesh, learned State counsel

states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 24.08.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

15.02.2022
Monika

(VIVEK PURI)
JUDGE

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |