

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CRM-M-53110-2021

Date of decision:- 02.09.2022

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Punit Malik, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Satish Garg, Advocate for the complainant.

...

SUVIR SEHGAL, J. (Oral)

On 30.12.2021, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.755 dated 24.09.2021, registered for offences under Sections 323, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Barwala, District Hisar.

Counsel for the petitioner submits that the FIR is an outcome of the marital discord between the petitioner and complainant and the dispute has been settled by virtue of an oral compromise, whereunder it has been agreed that the petitioner will pay a sum of Rs.22 lacs to the complainant. By referring to para 6 of the joint petition (Annexure P-3) filed by the parties seeking dissolution of marriage by a decree of divorce by mutual consent, counsel submits that out of the said amount, initially an amount of Rs.11,00,000/- was given to the complainant by way of a cheque, which, for reasons beyond the control of the petitioner, was dishonored. He submits that though the first motion has been recorded, but the complainant did not come forward for recording of the second motion. He has

instructions to state that a panchayat was convened last week and the petitioner has agreed to pay an amount of Rs.22,00,000/- by way of Demand Draft, out of which Rs.11,00,000/- in the shape of Draft drawn in favour of complainant has been given to counsel for the complainant, today itself.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of the respondent-State. Upon instructions from SI Surrender, she submits that offence under Section 406 IPC has been added later on. Mr. Satish Garg, Advocate has put in appearance on behalf of complainant. He has admitted the factum of compromise and acknowledged the receipt of bank draft of Rs.11,00,000/- drawn in favour of complainant. He, however, submits that as the compromise is verbal, there is a possibility that the petitioner may not adhere to it.

Keeping in view of the fact that dispute has been settled by way of a verbal compromise and there is a distrust between the parties, this Court deems it appropriate to refer them to the Mediation and Conciliation Centre of this Court, so that the settlement can be reduced into writing. The parties are directed to appear before the Centre of this Court on 12.01.2022.

List on 04.04.2022, to await the report of the Mediator.

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

Photocopy of the Demand Draft is taken on record.”

Counsel representing petitioner as well as the complainant have made a joint statement that a petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent would be filed before the Family Court, Hisar within a period of one week from today.

They have also been submitted that the litigation pending *inter-se* the parties

would also be withdrawn. Still further, they have submitted that out of the agreed permanent alimony of Rs.22 lacs, half the amount already stands paid and the balance will be paid at the time of recording of the second motion.

Upon instructions received from SI, Surender, State counsel submits that the petitioner has joined the investigation, though some recovery is yet to be effected from him.

Counsel representing complainant does not have any objection in case the interim protection granted to the petitioner is confirmed.

In view of the above, but without commenting on the merits of the case, present petition is allowed.

Order dated 30.12.2021 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

02.09.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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