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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-16088-2023 in/and
CRM-M-5936-2022
Date of Decision:28.04.2023

SAHIL ..... Petitioner

Versus

STATE OF HARYANA ..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Keshav Pratap Singh, Advocate and
Ms. Tanu Priya, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Vineet Chaudhary, Advocate
for respondent No.2.

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JAGMOHAN BANSAL, J. (Oral)

CRM-16088-2023

Application for placing on record complaint dated 21.04.2022 as Annexure R-1, is allowed, in view of the averments made in the application, duly supported by affidavit. Said document is taken on record. Office to append the same at appropriate place.

CRM stands disposed of.

CRM-M-5936-2022

On 20.12.2022 following order was passed:

"Counsel for the petitioner urges that offences under Sections 354, 34, IPC were deleted during investigation. Still further, it is his argument that

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> *although there is an allegation of physical assault against the petitioner, but the complainant never got herself medically examined. Upon instructions from L/ASI Kamla, State counsel submits that recovery is to be effected from the petitioner. Counsel for the complainant submits that when the parties had come to the High Court for appearing before the Mediation Centre, an unfortunate incident took place and she has submitted a complaint to the concerned police station. List on 28.03.2023. Petitioner is directed to join the investigation on 26.12.2022 at 10.00 a.m., at Police Station Urban Estate, Hisar, District Hisar and 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. Complainant may bring on record the complaint allegedly submitted by her.*"

The petitioner and complainant have agreed to settle their all grievances, subject to payment of sum of Rs.17 lakhs by petitioner to complainant.

Learned counsel for the parties submitted that they will file petition under Section 13B of Hindu Marriage Act, 1955 seeking divorce by mutual consent and a sum of Rs.17 lakhs as agreed by petitioner shall be paid during the course of Section 13B of Hindu Marriage Act, 1955 petition to be filed before Family Court, Hisar.

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim

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protection granted to the petitioner vide order dated 20.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

28.04.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	*Yes/No*

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