

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-11552-2017 (O&M)

Date of Decision : 08.12.2023

NAVEEN

.... Petitioner

VERSUS

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Virender Soni, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.6 dated 10.01.2017 under Sections 498-A, 376, 377, 406 (Sections 354, 376-B, 506, 34 deleted later on) of the Indian Penal Code, 1860 registered at Police Station Women Police Station, Jhajjar.

2. On 18.05.2017 the arrest of the petitioner was stayed to enable him to join mediation proceedings and the following order was passed :

“A report has been received that on 26.11.2015, the petitioner was on duty at Bijapur, Chhatisgarh.

Counsel for the petitioner has submitted that the petitioner is ready to settle the dispute.

Counsel for the complainant would urge that forgetting the past, complainant is ready to resume cohabitation.

The petitioner and the complainant are directed to

appear before the Mediator in the Mediation and Conciliation Centre of this Court on 05.07.2017.

The petitioner shall pay an amount of Rs.5,000/- to the complainant towards expenses on travel, etc. on her first appearance before the Mediator.

Adjourned to 31.08.2017 for awaiting report.

In order to facilitate the petitioner to join the mediation proceedings, he shall not be taken into custody till the next date of hearing.”

Subsequently, vide order dated 17.07.2018 the petitioner was directed to join investigation. On 08.07.2019 the parties had requested that the matter be again referred to the Mediation and Conciliation Centre of this Court and accordingly the parties were directed to appear before the Mediation and Conciliation Centre of this Court vide order dated 08.07.2019. Further, it was directed that no coercive steps be adopted. Vide order dated 19.11.2019, the order dated 08.07.2019 granting interim protection to the petitioner was recalled. Thereafter, the petitioner approached the Hon'ble Supreme Court by preferring Special Leave to Appeal (Crl.) No.11284/2019 wherein the following order was passed on 04.05.2023 :

"There have been subsequent developments, as respondent No.2 has got married. The Police, we believe, must investigate the disputed questions of fact which relate to the decree of divorce. Learned counsel for

respondent No.1-State of Haryana states that they do not wish to re-arrest the petitioner - Naveen.

In view of the aforesaid statement, the present special leave petition is disposed of.

The High Court, which had adjourned CRM-M No.11552/2017 (O&M), may proceed in accordance with law.

Pending application, if any, shall stand disposed of."

3. In the status report it has been stated that the investigation in the matter is complete in all respects and the dowry articles have also been handed over to the complainant. Learned counsel for the State, on instructions from SI Satbir, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

4. In view of the above, the orders dated 18.05.2017 and 17.07.2018 are made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.12.2023

Aman Jain

(ALKA SARIN)

JUDGE

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO