

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-14408-2021 (O&M)

Date of Decision: 08.02.2023

Anidhya Bhatnagar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by HC Monica)

Mr. Aditya Jain, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 18.01.2022, the following order was passed:-

“As per the report received from the Mediator, the matter has been returned as unsettled as the parties had not appeared to participate in the mediation proceedings. Both the counsel for the parties state that another effort may be made for amicable settlement through the process of mediation.

Let the parties again appear before the Mediation and Conciliation Centre of this Court on 17.02.2022.

For awaiting the report of the Mediator, adjourned to 08.04.2022.

Interim order to continue.

Learned State counsel has also pointed out that as the arrest of the petitioner has been stayed, he has not yet joined the investigation.

It is directed that 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”

Learned State counsel, on instructions from HC Monica, submits that petitioner has already joined investigation and no custodial interrogation is required.

Mr. Aditya Jain, Advocate for the complainant submits that petitioner is not permitting the complainant to meet her daughters. He has filed a divorce petition in Indore which stands transferred to Faridabad. The complainant has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The petitioner is not appearing before the Trial Court and intentionally delaying the matter.

On being confronted with these facts, learned counsel for the petitioner undertakes that petitioner along with his daughters would appear before the Trial Court on 11.04.2023 i.e. the date fixed in the divorce petition and permit the complainant to meet her daughters.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 18.01.2022 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

08.02.2023
Mohit Kumar

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