

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

**CRM-M-21662-2022 (O&M)
Date of decision : 05.09.2023**

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...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana for respondent No.1
assisted by ASI Satish Kumar.

None for respondent No.2/complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0399 dated 11.05.2022, under Sections 365, 506, 34 of the Indian Penal Code, 1860, registered at Police Station Chandni Bagh, District Panipat.

(2) Above FIR was registered on the basis of statement made by complainant-Neha Verma with the allegations that she got registered one criminal case in the year 2019 against the petitioner (her husband). Thereafter, petitioner assured that he will mend his ways. Complainant

resided with the petitioner from 2019 to October, 2021; but again, he gave severe beatings and turned her out from the matrimonial home. Petitioner took away minor child on the pretext of urination and ran away. Thereafter, whereabouts of petitioner as well as minor child are not known.

(3) The Coordinate Bench, vide order dated 19.05.2022, granted interim bail to petitioner and the same reads as under:-

“By way of filing the present petitions, the petitioner prays for grant of anticipatory bail in the following two FIRs;

- (i) FIR No. 398 dated 11.05.2022, registered under Sections 323, 506 of the IPC at Police Station Chandni Bagh, District Panipat.*
- (ii) FIR No. 0399 dated 11.05.2022, registered under Sections 365, 506, 34 of the IPC at Police Station Chandni Bagh, District Panipat.*

Learned counsel for the petitioner submits that the marriage of the petitioner was performed with complainant Neha Verma on 16.04.2018 and out of this wedlock, a son was born on 27.03.2019.

Learned counsel further submits that on 27.02.2020, an FIR under Section 498-A IPC was registered by the complainant, in which it was alleged that the minor son is residing with father/petitioner, however, later on, on 01.09.2020, a petition under Section 13-B of the Hindu Marriage Act was filed, in which it was pleaded that the child is in the custody of the petitioner. It is further submitted that during the pendency of the petition filed under Section 13-B of the Hindu Marriage Act, the matter was compromised between the petitioner and complainant and she returned for joining matrimonial home.

Learned counsel further submits that now the aforesaid two FIRs have been registered on 11.05.2022 with the allegations that the complainant is turned out of matrimonial home and the

petitioner has forcibly taken the minor child from the custody of the complainant.

Learned counsel further submits that the Additional Sessions Judge has initially granted the petitioner anticipatory bail in FIR No. 398, however, the same was later on dismissed as the petitioner could not join investigation. Learned counsel further submits that it is purely a matrimonial dispute and the child, even before the SHO, PS-Chandni Bagh, has stated that he wants to reside with the petitioner.

Notice of motion for 09.08.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail in both the aforesaid FIRs, subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 06.07.2022 to explore the possibility of an amicable settlement.

A photocopy of this order be placed on the file of other connected case.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from ASI Satish Kumar, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of the above, interim order dated 19.05.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

September 5th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No