

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

294

CRM-M-27318-2022

Date of Decision: 23.01.2023

Saurabh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms. Dimple Jain, AAG, Haryana
(assisted by SI Seema Kumari)Mr. Munish Mittal, Advocate with
Mr. Ankit Kamboj, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

On 24.06.2022, the following order was passed:-

“Learned counsel for the petitioner contends that the present proceedings arise out of a matrimonial discord and many failed attempts to settle the differences. It is submitted that the petitioner is still ready for an amicable settlement through alternate dispute resolution and thus, a prayer has been made that the matter could be taken up in the Mediation and Conciliation Centre of this Court.

On the oral prayer of petitioner, the complainant namely Pooja Devi D/o Rajinder Singh R/o Village Buttan Kheri Tehsil Indiri District Karnal be impleaded as respondent No.2 in the array of parties. Office to carry out the necessary correction in the memo of parties.

Notice be issued to the respondents returnable for 14.07.2022.

Petitioner shall also prepare a demand draft in the name of the complainant namely Pooja Devi to the tune of Rs.25,000/- which shall be produced in Court on the adjourn date for being handed-over to the complainant-wife.

As a one time measure, to enable the petitioner to avail fair opportunity for settlement of disputes through the process of mediation, he be not arrested till the next date of hearing in FIR No.109 dated 08.03.2022 under Sections 323, 342, 354, 376, 511, 506 and 34 IPC registered at Police Station Babain, District Kurukshetra. However, he shall abide by the conditions specified in the Section 438(2) Cr.P.C.”

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

Learned counsel for the complainant submits that there was no order to join investigation still police has made him to join investigation.

In view of the above, the petition is allowed and the interim protection to the petitioner vide order dated 24.06.2022 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.

The petitioner has joined investigation even though there was no specific order of this Court to join. The absence of specific order to the petitioner to join investigation on particular date does not mean that petitioner cannot join investigation and investigating agency cannot ask him to join investigation.

(JAGMOHAN BANSAL)
JUDGE

23.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>