

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

207

CRM-M-29528-2022 (O&M)

Date of Decision: 29.03.2023

Manpreet Singh Chopra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. A.S. Salar, Advocate for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

Mr. Manoj Kumar, Advocate for
respondent No.2/complainant

JAGMOHAN BANSAL, J. (ORAL)

On 13.07.2022, the following order was passed:-

“The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.63 dated 29.6.2022, registered under Section 120-B, 323, 406, 498-A, 506 IPC, at Women Police Station, Panchkula.

It has been contended by learned counsel for the petitioner that the marriage in question took place on 25.11.2019. He submits that on account of temperamental differences, matrimonial discord took place between the husband and wife. He submits that as the complainant was not happy to live with the parents of the petitioner, he shifted from his parental home to Mohali, where both started residing in a rental accommodation. Despite that the complainant

did not cooperate with the petitioner and she deserted the matrimonial home. He submits that both the husband and wife are living separately from the last about 6 months. To show his bonafide, he has contended that the petitioner has filed a petition under Section 9 of the Hindu Marriage Act, 1955, which is pending adjudication. He submits that the allegations pertaining to harassment caused to the complainant on account of demand of dowry are false and frivolous. However, he submits that irrespective of all the facts and circumstances of the case, the petitioner is ready to settle the dispute amicably, if the matter is referred to the Medication Centre. He relies upon the judgment of Hon'ble Supreme Court in case of Arnesh Kumar vs. State of Bihar, 2014(3)SCC (Crl.) 449. He submits that the petitioner has no criminal antecedents, thus, no case for custodial interrogation is made out, however, the petitioner is ready to join the investigation and abide by the terms and conditions of the anticipatory bail, if this Court considers his request for granting the same.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

Learned counsel for the petitioner undertakes to implead the complainant as party respondent No.2 in the petition and file the amended memo of parties within a period of one week from today. He also undertakes to pay Rs.25,000/- to the complainant wife

on account of litigation expenses on her appearance before this Court.

Adjourned to 9.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- iii) That the petitioner shall not leave India without prior permission of the court.”*

On 09.11.2022, the following order was passed:-

“Learned counsel for the petitioner has submitted that in pursuance to order dated 13.07.2022, the petitioner has joined investigation. He also submits that the matter be referred to the Mediation Centre to resolve the dispute amicably. He has submitted that the petitioner will pay Rs.25,000/- as litigation expenses to the complainant-wife on her appearance before the Mediation Centre.

Learned counsel for respondent No.2 has endorsed the submissions made by counsel for the petitioner.

Learned State counsel, on instructions, has affirmed the submissions made by counsel for the petitioner and submitted that in pursuance to order dated 13.07.2022, the petitioner has joined investigation.

As both the parties are ad idem that there is a possibility of settlement, the matter is referred to the Mediation and Conciliation Centre of this Court for 01.12.2022 where the parties will appear and make an efforts to resolve the dispute amicably. Petitioner is directed to pay Rs.25,000/- as litigation expenses to the complainant-wife on her appearance before the Mediation Centre.

List on 22.02.2023.

Interim order to continue till then.”

Learned counsels for the parties are *ad idem* that matter has been amicably settled between the parties and as per the settlement, petitioner has agreed to pay a sum of Rs.13 Lacs to the complainant. Out of which, a sum of Rs.6.5 Lacs would be paid at the time of first motion to be recorded by Family Court in terms of Section 13-B of Hindu Marriage Act, 1955.

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

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 13.07.2022 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.

The complainant shall be at liberty to move an appropriate application, if the petitioner fails to comply with his commitment to pay a sum of Rs.13 Lacs as full and final settlement between the parties.

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

29.03.2023
Mohit Kumar

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