

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

CRM-M-33070-2023
Date of decision: 12.09.2023

SANDEEP @ SANDEEP KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Yadav, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Ashwani Chaudhary, Advocate for
Mr. Nilesh Bhardwaj, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. On 13.07.2023, the following order was passed:-

“1. Petitioner is seeking anticipatory bail in case bearing FIR No. 107 dated 11.06.2023 under Sections 313, 323, 377, 498-A, 506, 34 IPC, registered at Police Station WPS, Rewari, District Rewari.

2. Learned counsel for the petitioner contends that the petitioner is working as Head Constable in Delhi Police and the complainant/respondent No.2 is working as a JBT Teacher and a Govt. employee. Their marriage was solemnized on 02.11.2006 and a daughter has been born from the wedlock who is in the custody of respondent No.2. The petitioner has raised false allegations with regard to forcible miscarriage and unnatural relations. Respondent No.2 had initially submitted a complaint, Annexure P-3 to the Superintendent of Police, District Rewari wherein the only allegation levelled was with regard to the domestic violence committed by the petitioner under the influence of alcohol. Even the alleged occurrence of miscarriage took place as back as on 15.07.2012. Respondent No.2 has left the matrimonial house on 18.12.2022. The petitioner is ready and willing to amicably settle the matrimonial dispute.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

5. Mr. Ashwani Chaudhary, Advocate appearing for Mr. Nilesh Bhardwaj, Advocate accepts notice on behalf

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of respondent No.2.

6. Learned counsel for respondent No.2 has sought to dispute the allegations as put forth by learned counsel for the petitioner and submits that respondent No.2 has been turned out of the matrimonial house. However, it has been submitted that respondent No.2 is ready and willing to explore the possibility of amicable settlement through mediation.

7. The petitioner and respondent No.2 are directed to appear before the Mediation and Conciliation Center of this Court on 08.08.2023.

8. Report of the Mediator be awaited for 12.09.2023.

9. Meanwhile, 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.”

2. As per the report of the Mediator, despite best efforts, the parties could not reach to any amicable settlement in the Mediation.

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.

4. On instructions from ASI Rachna, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

5. In view of the aforesaid submissions, the order dated 13.07.2023, granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

12.09.2023

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(VIVEK PURI)
JUDGE

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