

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

232

CRA-S-1760-2022 (O&M)

Date of Decision: 31.05.2023

Mahesh Kumar

...Appellant

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ashish Tewatia, Advocate for
Mr. M.S. Tewatia, Advocate for the appellant

Ms. Priyanka Sadar, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 16.01.2023, the following order was passed:-

*“Mr. Devender Kumar, Advocate has put in
appearance on behalf of respondent No.2.*

Service is complete.

*Instant appeal has been filed under Section 14-A
of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989, (for short “SC/ST
Act”) against order dated 04.07.2022 passed by
learned Additional Sessions Judge, Palwal, whereby
anticipatory bail of the appellant was dismissed in
case FIR No.238 dated 03.06.2022 registered under
Sections 323, 342, 354-A, 377, 498-A, 506 and 34 of
IPC, 1860; Section 25 of the Arms Act, 1959 and
Section 3 of the SC/ST Act, at Police Station Gadpuri,
District Palwal.*

*Counsel for the appellant submits that FIR is an
outcome of a matrimonial dispute. He submits that the*

dispute has arisen in a 08 years old marriage and the future of 02 children (the 3rd child had expired) is at stake. He submits that there is a possibility of settlement.

Counsel representing respondent No.2 has requested that the matter be referred to the Mediation and Conciliation Centre of this Court.

Request is accepted.

Parties are directed to appear before the Centre on 20.01.2023 at 10.00 am.

List on 19.04.2023 to await the report of the learned Mediator.

On the day of their appearance before the Mediator, appellant will pay a sum of Rs.15,000/- as litigation and travelling expenses to respondent No.2, which will be a condition precedent to the initiation of the proceedings.

In the meanwhile, arrest of the appellant shall remain stayed till the next date.”

2. By order dated 21.04.2023 the appellant was directed to join investigation.

3. Learned State counsel submits that appellant has joined investigation and during investigation Sections 342, 354-A and 377 of IPC and Section 25 of Arms Act have been deleted. She further submits that no custodial interrogation of the appellant is required.

4. In view of above facts and circumstances, the appeal is allowed and the interim protection granted to the appellant vide order dated 16.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. If the appellant 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.

6. 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

31.05.2023
Mohit Kumar

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