

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

201

Criminal Misc. No. M-52397 of 2022

Date of decision :-18.07.2023

Paras

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

Mr. Vishwajeet, Advocate for
Mr. Naveen, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.219 dated 03.10.2022, under Sections 498-A, 406, 323, 506, 354-A, 377, 34 IPC, registered at Police Station Safidon, District Jind, Haryana.

On 15.11.2022, this Court had passed the following order

:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.219, dated 03.10.2022, under Sections 498-A/406/323/506/354A/377/34 IPC, registered at Police Station Saffidon, District Jind, Haryana.

It has been contended by counsel for the petitioner that petitioner solemnized the marriage

with the complainant on 28.11.2021. He submits that the couple hardly remained together for three months and thereafter due to temperamental differences between both the husband and the wife, the complainant left the matrimonial home on 07.04.2022. He has submitted that the petitioner has tried his level best to reconcile the dispute with the complainant and filed a petition under Section 9 of the Hindu Marriage Act, which is pending consideration for 23.11.2022. He has submitted that the complainant has filed a false and frivolous FIR leveling false allegations pertaining to demand of dowry etc. and petitioner and his family have been roped in only in order to harass and humiliate them. He has submitted that during investigation, Sections 377, 354A and 34 IC were deleted showing that the allegations were totally exaggerated. He submits that petitioner is ready to settle the dispute even now if the matter is referred to Mediation Centre. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrL.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Counsel for the petitioner undertakes to implead the complainant as party respondent No.2 in the petition and file amended memo of parties within a week from today.

Issue notice of motion for 28.02.2023.

On the asking of the Court, Mr. B.S. Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Naveen Kashyap, Advocate, who is present in Court, puts in appearance on behalf of the complainant and though he opposes the submissions made by counsel for the petitioner, however, he is also of the opinion that parties be given one opportunity to explore the possibility of amicable settlement by referring them to the Mediation Centre.

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre of this Court on 08.12.2022 at 10.00 a.m. for making an effort to amicably settle the dispute.

Petitioner is also directed to pay Rs.10,000/- as litigation expenses to complainant on her first appearance before the Mediation Centre.

In the meanwhile, 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."

State is directed to file status report on or before the next date of hearing.”

Learned State counsel, on instructions from ASI Geeta states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 15.11.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 18, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No