

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

201+1

CRM-M-54446-2022

Date of Decision: 12.05.2023

Sanket Sehgal

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.S. Dadwal, Advocate for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

Mr. Wazir Singh, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 23.11.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.916, dated 26.12.2020, under Sections 498-A, 323, 376, 511, 406, 506 IPC, registered at Police Station City Panipat, District Panipat.

It has been contended by counsel for the petitioner that petitioner solemnized marriage with the complainant/wife on 19.04.2018 and thereafter petitioner as well as complainant went Dubai, however, the complainant came back to India. He submits that there are temperamental differences between the husband and the wife and on account of the same, on the basis of false and frivolous allegations, the present FIR has been lodged. He submits that the petitioner is keen to settle the dispute

amicably. He has submitted that dispute is totally matrimonial in nature and the petitioner has no criminal antecedents. 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, custodial interrogation of the petitioner is not necessary, however, he is ready to join the investigation. He submits that petitioner would return to India on 16.12.2022 and he would appear before the Investigating Agency for further legal action, if this Court considers his request for granting the relief of anticipatory bail.

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 15.03.2023.

On the asking of the Court, Mr.Kirpal Singh Thakur, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

On filing of amended memo of parties by counsel for the petitioner, complainant be served for the date fixed.

After hearing the counsel for the petitioner and perusing the record, it is ordered that in case the petitioner returns to India on 16.12.2022 and appears before the Investigating Agency for investigation within three days thereafter then in the event of his arrest, he shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating

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.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to the complainant/wife within one month from today.

Needless to say if the petitioner does not return to India, as has been submitted by his counsel, the interim order would automatically stand vacated.”

2. Learned counsels for the parties are *ad idem* that they have amicably settled their disputes and they have filed a petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by mutual consent.

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

4. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. 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.

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

12.05.2023
Mohit Kumar

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