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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51375-2019 (O&M)
Date of decision : 04.10.2023

Ajaydeep

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Suvir Sidhu, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Animesh Sharma, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.119 dated 09.10.2019 under Sections 313, 323, 34, 406, 498-A, 506 of the Indian Penal Code, 1860 registered at Police Station Women Jind, District Jind, Haryana.

2. On 03.12.2019 the following order was passed :

“Notice of motion for 16.3.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and

shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

At this stage, Mr. Abhishek Sindwani, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.”

Thereafter the petitioner had joined investigation and on the request of learned counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court. The parties entered into an amicable settlement before the Mediation and Conciliation Centre of this Court on 24.05.2022. A report to this effect has also been sent by the Mediator.

3. Learned counsel for the petitioner has stated that now all disputes stand resolved and that a quashing petition (CRM-M-33879-2022) based on the compromise was also preferred before this Court. Learned counsel would further contend that the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the complainant states that though the other conditions of the settlement dated 24.05.2022 have been complied with, however, two of the conditions have not been complied with. One is regarding FDR of Rs.10,00,000/- which was to be opened in favour of the minor daughter under the guardianship of the complainant and another regarding FDR of Rs.5,00,000/- which is to be opened in favour of the minor daughter under the guardianship of the complainant and shall be handed over to the complainant at the time of final hearing of the quashing petition.

Learned counsel for the complainant has further pointed out that though the

FDR of Rs.10,00,000/- has been opened in favour of the minor daughter, however, the same is under the guardianship of the petitioner which is the bone of contention between the parties.

5. Learned counsel for the State has reiterated that the parties have since entered into a compromise dated 24.05.2022. Learned State counsel would further contend that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. Learned counsel for the parties are *ad idem* that all the conditions of the settlement dated 24.05.2022 stand complied with except the two stated above.

7. In view of the above, the order dated 03.12.2019 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

8. It is made clear that the FDR of Rs.10,00,000/- opened in favour of the minor daughter under the guardianship of the petitioner shall not be encashed at any point of time by the petitioner and the same shall be renewed from time to time till the minor daughter attains the age of majority i.e. 18 years. Thereafter, the minor daughter would be at liberty to encash and use the same for her education. The second FDR of Rs.5,00,000/- would be got made by the petitioner in favour of the minor daughter under the guardianship of the complainant and shall be handed over to the complainant at the time of final hearing of the quashing petition.

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9. The present petition stands disposed off in the above terms.
Pending applications, if any, also stand disposed off.

04.10.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO