

Sr. No.206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7865-2023
Date of decision: 14th March, 2024

AJIT SINGHPetitioner

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Pratibha Yadav, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. B.S. Khehar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.317 dated 28.12.2022, under Sections 323, 325, 406, 498-A, 506 IPC, 1860, (Sections 325, 406 IPC added later on and Section 34 IPC deleted later on), registered at Police Station Kosli, District Rewari (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was granted interim bail as per the order dated 14.02.2023, passed by the Coordinate Bench of this Court. The relevant portion of the said order reads as under:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia contends that marriage of the petitioner was solemnized on 09.12.2005 whereas FIR has been lodged in 2022 i.e. after the expiry of 17 years. The petitioner is working as Head Constable with CRPF. The petitioner normally gets one month's leave in a year to come to his home. The petitioner under the pressure of complainant got constructed house outside the village and complainant as well as his two minor sons are staying in the said house. The parents of the petitioner are staying in village. It is

complainant who alongwith two minor sons attempted to commit suicide. Fortunately, no injury was caused to minor kids, however, the complainant on account of jumping from first floor suffered injuries. The complainant has forcibly taken away both children from the custody of parents of the petitioner and complainant is not sending them to school. It is complainant who is creating problems for the petitioner. The petitioner on one occasion even had purchased gold worth Rs. 2 lakh for the complainant. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Ms. Dimple Jain, AAG, Haryana who is present in court on advance notice, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in *Thana Singh v. Central Bureau of Narcotics*, (2013) 2 SCC 590, *Arnab Manoranjan Goswami V. State of Maharashtra*, (2021) 2 SCC 427, *Satender Kumar Antil V. CBI* (2022)10 SCC 51, *SiddharamSatlingappaMhetre V. State of Maharashtra & Ors.*, 2010 SCC OnLine SC 1375, *Shri Gurbaksh Singh Sibbia V. State of Punjab* (1980) 2 Supreme Court Cases 565, *Arnesh Kumar V. State of Bihar* (2014) 8 SCC 273, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 17.02.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 10.03.2023.

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.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 14.02.2023, passed by the Coordinate Bench of this Court.

4. Learned counsel appearing on behalf of the respondent-State, on instructions from HC Gayatri, confirms that the petitioner has joined investigation on 16.02.2023 and also contends that his further custodial interrogation is not required.

5. Learned counsel appearing on behalf of respondent No.2/complainant, on instructions from the complainant, who is present in the Court, contends that though the parties are living together after the said compromise, but there are instances of maltreatment of the complainant after the said settlement and therefore, the compromise is not finalized in true spirit.

6. I have considered the aforesaid contentions.

7. The matter was settled in the Mediation and Conciliation Centre of this Court and as per the report of the Mediator, Settlement Agreement dated 11.12.2023 has been executed between the parties.

8. There are allegations and counter-allegations which are matter of trial. The petitioner has joined investigation and his further custodial interrogation is not required.

9. In view of the reasons recorded in the order dated 14.02.2023 and keeping in view the fact that the petitioner has joined investigation, his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 14.02.2023 passed by the Coordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

12. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14th March, 2024
sim

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