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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10854-2023 (O&M)

Date of Decision: 22.02.2024

AJIM @ AJIJ

.. Petitioner

Vs.

STATE OF HARYANA & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Munfaid Khan, Advocate for respondents No.2 and 3.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.386 dated 16.09.2022, under Sections 147, 149, 323, 498-A, 506 and 325 IPC registered at Police Station Sadar Tauru, District Nuh.
2. On 04.05.2023, the following order was passed:-

Mr. Munfaid Khan, Advocate has put in appearance on behalf of respondent No.2 in both petitions, by filing vakalatnama, which are taken on record.

Learned counsel for the petitioner as well as the complainant submits that there are chances of amicable settlement between the parties, and for that purpose, they may be referred to Mediation and Conciliation Centre of this Court.

Ordered accordingly.

The parties are directed to appear before the Mediator on 10.05.2023. The petitioner is directed to pay ₹ 35,000 as litigation and travelling expenses to the complainant on her appearance before the Mediator.

To await report of the Mediator, adjourned to 02.08.2023.

In the meanwhile, petitioner's arrest shall remain stayed to facilitate mediation proceedings.

A photocopy of the order be placed on the file of connected case."

3. Thereafter on 07.02.2024, the following order was passed:

1. On 02.03.2023, the following order was passed by this Court:

"At the outset, learned counsel for the petitioner contends that they have four minor children out of the wedlock and three of them are with the petitioner at present. He wants to save his marriage and is ready and willing to settle the disputes with the respondent-complainant.

The petitioner undertakes to implead the complainant as party respondent to the petition.

Notice of motion, at this stage, for 10.04.2023 only to explore the possibility of settlement between the parties."

2. Thereafter, on 18.10.2023, the following order was passed by this Court:

"1. As per report of the Mediator, the mediation could not be held as the complainant-respondent No.2 could not join the proceedings on account of some serious health issues.

2. An adjournment has been requested as the learned arguing counsel is in some personal difficulty.

3. Adjourned to 01.02.2024.

4. Interim order to continue.

5. A photocopy of this order be placed on the file of the connected case."

3. Today, learned counsel for the petitioner has submitted that a compromise has been effected between the parties.

4. Adjourned to 13.02.2024.

5. The petitioner is directed to appear before the Investigating Officer on 09.02.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.

4. Learned State counsel, on instructions from SI Kailash, has stated that pursuant to the order dated 07.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

5.

In view of above, the petition is allowed and interim order dated 07.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
6.

This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
7.

Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8.

Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

22.02.2024

(SUMEET GOEL)

Jasmine Kaur

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No

Yes

No