

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13855 of 2022 (O&M)
DATE OF DECISION :- 12.02.2024

Joginder Singh Yadav and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Bipan Ghai, Senior Advocate
with Mr. Nikhil Ghai, Mr. Ram Kumar Saini,
Mr. P.S. Bindra and Mr. Shubham Mangla, Advocates
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Manish Soni, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. On 01.04.2022, the following order was passed:-

“Learned senior counsels appearing for the petitioner as also for the complainant submit that there is a good chance that the matrimonial dispute between their respective clients may be amicably resolved.

In view of the above statement, the matter is referred to the Mediation and Conciliation Centre of this Court where the parties are directed to appear on 19.04.2022 at 11.00 a.m.

Adjourned to 10.08.2022.

Only to facilitate the mediation proceedings, arrest of the petitioners is stayed.”

On 11.04.2023, the following order was passed:-

“Status report filed by respondent State is taken on record. Learned counsel representing the State pointed out that the petitioners are not joining the investigation. On the other hand, learned counsel for the petitioners pointed out that they are still ready and willing to join the investigation but they were not allowed to do so.

Learned proxy counsel for the respondent No. 2 is requesting for an adjournment on the ground that arguing counsel is not available today. As the petitioners are still ready to join the investigation, therefore, they may join the investigation as and when asked by the Investigating Officer.

Adjourned to 12.05.2023.

Interim order to continue till next date.

Photocopy of this order be placed on the file of another connected case.”

2. The mediation process initiated between the parties has not fructified.
3. Learned State counsel, on instructions from L/ASI Amandeep has stated that pursuant to the order dated 01.04.2022, the petitioners have joined investigation and are no longer required for custodial interrogation.
4. In view of above, the present petition stands allowed and the interim order dated 01.04.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting petitioners 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.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

12.02.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No