



Sr. No.210

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

CRM-M-16417-2024
Date of decision: 24th September 2024

VIKASH ALIAS VIKASH KANDOLAPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Abhishek Sirohi, Advocate for
Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Savita Rani.

Ms. Rajni Bala, Advocate for
Mr. Shokeen Singh Verma, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.51 dated 12.03.2024, under Sections 376(2)(n), 313, 506 read with Section 34 IPC, 1860, registered at Police Station City Dadri, District Dadri (Annexure P-1).
2. As per the report of the Mediator, dispute between the parties stands settled.
3. Vide order dated 04.04.2024, the matter was referred to mediation, while recording the following contentions:-

“xxx xxx xxx xxx

2. Learned counsel for the petitioner inter alia contends that there is a delay of 1½ year in registration of the FIR. The prosecutrix is major and an educated lady and willingly established consensual



relationship. The matter was mutually compromised between the petitioner and the prosecutrix and as per the compromise dated 08.03.2024 (Annexure P-3) both have mutually settled their differences and agreed to solemnize marriage on 10.03.2024, however, the same could not materialize due to differences on account of the parents of the prosecutrix. The petitioner is still ready to reconcile the matter.

3. He further contends that the petitioner is 25 years of age, as per the Aadhar card appended with the paper-book, however, inadvertently his age is mentioned as 45 in the present petition.

4. Since the complainant is not impleaded as a party to the petition, she is ordered to be impleaded as respondent No. 2 in this petition. The amended memo of parties be filed by learned counsel for the petitioner in the Registry of this Court within 10 days from today.

5. Notice of motion.

xxx xxx xxx xxx ”

4. Vide aforesaid order dated 04.04.2024, the petitioner was also directed to join investigation and order of interim bail to the petitioner was passed.

5. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 04.04.2024.

6. Learned State counsel, on instructions from ASI Savita Rani, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

7. Learned counsel for the parties are *ad idem* that the terms and conditions of the settlement agreement, arrived at before the Mediator, are agreeable to them.

8. Keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency and in view of the detailed reasons recorded in the order dated 04.04.2024, the



the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

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

10. 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.

11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

24th September 2024
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No