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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26167-2024

Date of decision: 02.07.2024

Malhi Mandeep

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Ms. Puja Chopra, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. G.S. Dhot, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.283 dated 15.04.2024 under Sections 323/406/498-A of IPC registered at Police Station Shahabad, District Kurukshetra (Annexure P-1).

On 23.05.2024, the following order was passed:-

'The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.283 dated 15.04.2024 under Sections 323/406/498-A of IPC registered at Police Station Shahabad, District Kurukshetra (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that the petitioner wanted to rehabilitate his wife, however, his wife has refused to join his company and stopped taking to him. Earlier also, compromise has been effected between the parties. Moreover, the maximum sentence under the offences in which the FIR is lodged is punishable upto three years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

Mr. Gurinder Singh Dhot, Advocate puts in appearance on behalf of the complainant and files his vakalatnama in the Court today which is taken on record and vehemently opposes the prayer made by counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana,

who is present in Court, accepts notice on behalf of the respondent-State.

Both the parties are ad idem that there are chances of amicable settlement between the parties and pray to direct the parties to appear before the Mediation and Conciliation Centre of this Court.

The parties along with their respective counsels are directed to appear before the Mediation and Conciliation Centre of this Court on 28.05.2024 to amicably resolve their dispute.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court. Adjourned to 02.07.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from SI Vishal Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel appearing for the complainant vehemently opposed the grant of anticipatory bail to the petitioner on the ground of seriousness of the offence.

In view of the statement of learned State counsel, order dated 23.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

02.07.2024

Neha

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