

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29501-2022
Date of decision: 08.04.2024

Manish SharmaPetitioner

V/s

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ram Kumar Saini, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG, Haryana.

Mr. Rose Gupta, Advocate with
Ms. Hardeep Kaur, Ms. Yashika Walia,
Ms. Garima Modi, Advocates for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.564 dated 11.05.2022, registered for the offences punishable under Sections 120-B, 406, 498-A, 506 of IPC 1860 and Section 323 of IPC Added later on vide order dated 20.02.2024, at Police Station Hisar Sadar, District Hisar.

2. On 13.07.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.564 dated 11.05.2022, registered for offences under Sections 120-B, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Hisar Sadar, District Hisar (Annexure P-1).

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of State-respondent No.1. She is assisted by Mr. Rose Gupta, Advocate for complainant-respondent No.2, who has filed Memorandum of Appearance, which is taken on record.

During the course of argument, counsel representing the private parties are ad idem that there is a possibility of settlement of dispute, for which purpose, they have requested that the matter may be referred to the Mediation and Conciliation Centre of this Court.

Ordered accordingly.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.07.2022 at 10.00 A.M.

List on 09.11.2022 to await report of the Mediator.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.

On the day, the parties appear before the Centre, the petitioner will pay a sum of Rs.40,000/- by way of litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of the mediation proceedings.”

3. Thereafter, on 04.10.2023, the following order was passed.

“Learned counsel for the parties state that the parties have settled the matter, however, the written compromise is yet to be executed.

List on 22.12.2023.

Interim order to continue.”

4. Thereafter, on 20.02.2024, the following order was passed:

“xxxxx xxxxx xxxxx

On 13.07.2022, the following order was passed by this Court:

"Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.564 dated 11.05.2022, registered for offences under Sections 120-B, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Hisar Sadar, District Hisar (Annexure P- 1).

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal. Deputy Advocate General, Haryana accepts notice on behalf of State-respondent No.1. She is assisted by Mr. Rose Gupta, Advocate for complainant-respondent No.2.

who has filed Memorandum of Appearance, which is taken on record.

During the course of argument, counsel representing the private parties are ad idem that there is a possibility of settlement of dispute, for which purpose, they have requested that the matter may be referred to the Mediation and Conciliation Centre of this Court.

Ordered accordingly.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.07.2022 at 10.00 A.M.

List on 09.11.2022 to await report of the Mediator. In the meanwhile, arrest of the petitioner shall remain stayed till the next date.

On the day, the parties appear before the Centre. the petitioner will pay a sum of Rs.40,000/- by way of litigation and travelling expenses to the complainant. which will be a condition precedent to the initiation of the mediation proceedings."

Today, learned counsel for the petitioner has submitted that a compromise/settlement has been effected between the petitioner and respondent No.2/complainant.

This aspect has been ratified by learned counsel for respondent No.2/complainant.

In view of the above, the petitioner is directed to appear before the Investigating Officer on 26.02.2024 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.

Adjourned to 01.03.2024."

5. Learned State counsel, on instructions from ASI Sheela Devi, has stated that pursuant to the orders dated 13.07.2022 & 20.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

6. Learned counsel for the petitioner as also learned counsel for respondent No.2 are *ad idem* that the parties have settled their dispute and a compromise quashing petition bearing No.CRM-M-64694-2023 also stands filed.

7. In view of the above-said, the present petition is allowed and interim orders dated 13.07.2022 & 20.02.2024 passed by this Court are made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

8. This order should not be treated as “blanket” order. It will not be read 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.

9. 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.

10. 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

April 08, 2024
poonam

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