

2024:PHHC:015230

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

211

CRM-M-52726-2022
Date of decision:05.02.2024

Himanshu Ghai

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Namit Khurana, Advocate, for the petitioner.

Ms.Priyanka Sadar, AAG, Haryana.

Ms. Harveen Mehta, Advocate for
Mr. Mohinder Nain, Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

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.141 dated 15.09.2022, registered for the offences punishable under Sections 498-A, 406, 323, 506 and 34 of IPC at Police Station Women, District Bhiwani.

2. On 16.11.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 141 dated 15.09.2022 under Sections 498 - A / 406 / 323 / 506 and 34 IPC registered at Police Station Women, Bhiwani. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 04.05.2022 and false allegations with regard to demand of Fortuner Car, golden jewellery and beatings have been raised. In fact, there is no medical record to indicate that the complainant

had sustained any head injury. The petitioner was initially granted interim bail by the Court below, but the bail application has been dismissed on the score that the petitioner had refused to sign the disclosure statement and get the recovery of dowry articles. It has been further stated that most of the articles of istridhan have been recovered and the petitioner is ready and willing to return the articles of istridhan which are in his possession and also to amicably settle the matrimonial dispute. It has been further contended that whatsapp chat indicates that the allegations levelled by the complainant were false and she also intends to start afresh and lead a happy married life.

On the oral request of learned counsel for the petitioner, complainant i.e. Taniya wife of Himanshu Ghai and daughter of Shri Mukesh Chand, resident of House No.1495, Sector-13, HUDA, Bhiwani is impleaded as respondent No.2. Registry to carry out the necessary correction in the memo of parties.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana, accepts notice on behalf of respondent-State.

Mr. Mohinder Nain, Advocate, has appeared on behalf of the complainant/respondent No.2 and sought to dispute the factual assertions as put forth by the learned counsel for the petitioner, but in all his fairness, submits that the complainant/respondent No.2 is not averse to exploring the possibility of amicable settlement through mediation.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 13.12.2022.

The petitioner shall also pay a sum of Rs.30,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 29.03.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the - satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

3. Learned State counsel, on instructions from ASI Saroj Kumar, has stated that pursuant to the order dated 16.11.20222, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 16.11.20222, 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 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.

6. 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.

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

February 05, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No