



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

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CRM-M-55505-2023 (O&M)

Date of decision: 28.05.2024

Arpit Sharma @ Arpit

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Komal Balian, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Sunil Chadha, Senior Advocate with
Mr. Tara Dutt, Mr. Raghav Chadha &
Mr. Manish Mehta, Advocates 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.94 dated 22.10.2023, registered for the offences punishable under Sections 406, 498-A, 509, 34 of IPC, 1860 at Women Police Station, Narnaul, District Mahendergarh.

2. On 06.11.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.94 dated 22.10.2023 under Sections 406, 498-A, 509, 34 of the Indian Penal Code, 1860 registered at Women Police Station, Narnaul, District Mahendergarh, Haryana.



Learned counsel for the petitioner, at the outset, states that the petitioner is willing to settle the matter as also to return all the Istridhan articles. The learned counsel further states that in order to show his bonafides the petitioner is ready to deposit an amount of Rs.5 lakhs with the Registrar General of this Court.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana while Mr. Tara Dutt, Advocate assisting Mr. Sunil Chadha, Sr. Advocate has accepted notice on behalf of the complainant.

Learned senior counsel appearing on behalf of the complainant states that the marriage was solemnized on 08.07.2022 and the complainant returned back on 23.12.2022 and that the marriage was not allowed to be consummated by the petitioner. Learned senior counsel, on instructions, further states that the complainant is willing to explore the possibility of a compromise. Let the parties appear before the Mediation & Conciliation Centre on 28.11.2023 at 10.00 AM. The petitioner shall bring a bank draft for Rs.50,000/- in the name of the complainant towards litigation expenses which shall be handed over to her before the Mediator. The petitioner, in order to show his bonafides, shall deposit a Demand Draft in the name of the Registrar General for an amount of Rs.5 Lakhs with the Registrar General of this Court on or before the next date of hearing, which would be invested in a FDR.

Awaiting the report of the Mediator, list on 25.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973."

3. Learned State counsel, on instructions from L/HC Sarika, has stated that pursuant to the order dated 06.11.2023, the petitioner has joined



investigation and is no longer required for custodial interrogation except for recovery of istridhan/dowry articles.

4. Learned counsel appearing for the petitioner as also learned counsel appearing for respondent No.2 are *ad idem* that a settlement dated 24.05.2024 has been arrived at between the parties and therefore, the complainant does not object to the grant of anticipatory bail to the petitioner.

5. Keeping in view the entirety of the facts and circumstances of the case, the present petition is allowed and interim order dated 06.11.2023 is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. Needless to say that the parties shall remain bound by the terms of the settlement deed dated 24.05.2024 entered into between the parties. It is further clarified that anything observed herein above shall not be construed to be an expression of opinion on the merits of the case.

8. Either party is at liberty to seek cancellation/recall of this order on showing sufficient cause including non-compliance of any term by either party or the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973.



9. Registry is directed to release the amount of Rs.5 lakhs, along with interest accrued, deposited with it to the complainant-Prachi on due identification.

10. Since the main case has been decided, pending application(s), if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 28, 2024
poonam

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