



CRM-M-26124-2023 (O&M) 1

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26124-2023 (O&M)

Date of decision: 14.01.2025

Pawan Nain

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**Present: Mr.J.S. Bhandari, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Ms. Sweta, Advocate for
Mr. Sanjeev Sharma, Advocate
for the complainant

AMARJOT BHATTI, J.

Petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.173, dated 28.11.2018, under Section 498-A IPC, registered at Police Station Sector 20, District Panchkula.

2. As per facts of the case, complainant Nisha Nain has filed written complaint against her husband alleging that she got married with Pawan Nain on 14.08.2021. Out of this wedlock, she is having two children. For the last about two years her husband Pawan Nain did not come home nor paid any expenses. Whenever, he came to the house he abused and beat her. His family members had full knowledge regarding this marriage. She is tortured and taunted by her husband and his family members to bring dowry. She is unable to earn since her children are small. She has come to know that her husband is residing with another lady



namely Komal Rathore. She is living at the mercy of her neighbours. With these allegations, present FIR has been registered.

3. Learned counsel for the petitioner argued that marriage of present petitioner failed due to temperamental differences between him and his wife. Earlier petitioner filed anticipatory bail application in which matter was compromised vide compromise deed dated 04.02.2019 and he was granted anticipatory bail vide order dated 15.02.2019 (Annexure P-2). As per this order, he has already joined the investigation. As per compromise deed, he was required to pay Rs.12 lacs to the complainant as permanent alimony on filing petition under Section 13-B of Hindu Marriage Act. Till filing of that petition, he was to pay Rs.12,000/- per month as maintenance to the second party. Petitioner was doing private job with nominal salary. He tried to arrange Rs.12 lacs but could not arrange the funds. However, he was regularly paying Rs.12,000/- towards maintenance. Application for cancellation of bail was filed which was allowed vide order dated 15.04.2023 (Annexure P-3). Challan in this case has been presented, charges are framed and prosecution evidence is going on. He is ready to face the trial. It is prayed that he may be granted bail.

In the case in hand, arrest of the present petitioner was stayed vide order dated 22.05.2023 with the direction to deposit maintenance amount as per agreement by way of bank draft. Perusal of orders passed from time to time indicates that payment was made and recently there is another bank draft of Rs.35,000/- which is filed after revalidation.

4. Bail application was opposed by learned counsel representing State and the complainant also filed separate application to vacate the stay in favour of the present petitioner. Status report has been filed. Confirming

the factual position, it is further stated that after completion of



investigation challan has been presented under Section 173 Cr.P.C. on 29.08.2019 and charges were framed on 27.09.2019 and out of 08 prosecution witnesses 01 witness has been examined. It is confirmed that petitioner has already joined the investigation.

5. I have considered the aforesaid factual position. One thing is clear that the compromise which was arrived at during the pendency of anticipatory bail filed in the aforesaid FIR could not be materialized, as the petitioner could not arrange Rs.12 lacs for filing of petition under Section 13-B of Hindu Marriage Act. Learned counsel for the petitioner states that he was making payment of maintenance allowance as agreed in the terms and conditions of compromise which is disputed by learned counsel for the complainant. In case the complainant wants to claim maintenance from her husband other legal remedies are available with her. So far as, anticipatory bail application in the aforesaid FIR is concerned, petitioner has already joined investigation and the trial is going on before the trial Court and prosecution evidence is being recorded. Therefore, at this stage, I do not find any valid reason to vacate the interim order passed in favour of the petitioner and the application filed in this regard is accordingly declined. As the trial is going on, therefore, petitioner is directed to be released on bail to the satisfaction of trial Court/duty Judge concerned.

6. Accordingly the present petition is disposed of.
7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

14.01.2025

monika 1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No