

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

Crl. Misc. No.M- 10069 of 2013(O&M)

Date of Decision: February 6, 2015.

Raman Kumar

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

LISA GILL, J.

Petitioner prays for anticipatory bail in FIR No.290 dated 01.12.2012, under Sections 406/498A IPC, registered at police station Kapurthala City, Kapurthala.

It is contended that complainant, Smt. Suman has obtained exparte divorce on 23.11.2012. The petition for divorce under Section 13 of the Hindu Marriage Act was filed by her on 16.08.2012. Alleged incident mentioned in the abovementioned FIR is of 04.08.2012 but the FIR has been registered on 01.12.2012. Petitioner has joined investigation as and when required by the Investigating Agency. His custodial interrogation in this case is not required.

Petitioner undertakes to appear regularly before the trial court on each and every

date fixed and face trial.

Learned counsel for the State, on instructions from ASI Shinder Pal, submits that though the petitioner has indeed joined investigation on numerous occasions but certain recoveries are still to be effected from him.

Perusal of various orders passed in this case reveals that petitioner and the complainant had been directed to appear before the Mediation and Conciliation Centre of this Court to explore the possibility of an amicable resolution of the dispute. As per the report of the Mediator, complainant had not come present before him except on one occasion thereby, rendering the entire process futile. The matter has been sent back to this Court for adjudication.

It is verified and affirmed by the learned counsel for the State that exparte decree of divorce has indeed been granted to the complainant on 23.11.2012. The said decree of divorce has attained finality. No instance of the petitioner misusing the interim concession granted to him since 11.04.2013 has been brought to the notice of this Court.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

In the peculiar facts and circumstances of the case, custodial interrogation of the petitioner is not called for.

In view of the above but without commenting or expressing any opinion on the merits of the case, order dated 11.04.2013 is made absolute.

Petition is allowed.

February 6, 2015.

‘om’

(LISA GILL)
JUDGE