

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12861 of 2015

Date of decision: September 17, 2015

Sumesh

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

Mr. Anil K. Lamdharia, Advocate
for respondent No.1-U.T., Chandigarh.

Ms. Ashadeep, Respondent No.2 present in person
along with Mr. Vikram Singh, Advocate.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.63 dated 23.02.2015, under Sections 406, 498-A of Indian Penal Code, 1860, registered at Police Station Sector 39, Chandigarh.

While issuing notice of motion, following order was passed by this Court on 24.04.2015:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 63, dated 23.02.2015, under Sections 406, 498-A IPC, registered at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner contends

that there is possibility of settlement between the parties.

Notice of motion for 05.05.2015.

Without going into the merit of the case, with a purpose to save the marriage, this Court deems it fit that arrest of the petitioner is stayed till the next date of hearing. Ordered accordingly. However, the petitioner shall join investigation, if required by the Investigating Agency."

Thereafter, the case was sent to Mediation and Conciliation Centre, but no settlement could be arrived between the parties.

Following order was passed by this Court on 21.08.2015:-

"Learned counsel for the petitioner has submitted that petitioner has arranged two room set accommodation. However, none has appeared on behalf of respondent No. 2.

List again on 17.9.2015.

In the meantime, in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973."

On the last date of hearing, i.e. 21.08.2015, learned counsel for the petitioner had submitted that the petitioner had arranged two rooms set accommodation but none had appeared on behalf of respondent No.2.

Today, respondent No.2 is present in person and

has stated that she does not want to live with the petitioner on account of harassment meted out to her.

Learned counsel for the petitioner has submitted that in fact, it was a case of love marriage and petitioner was residing in parental house of respondent No.2 for the last one year. However, the said fact had been denied by respondent No.2.

Learned counsel for the administration on instructions from Sub Inspector Satbir Singh has submitted that petitioner has joined investigation.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner had joined investigation, it would be just and expedient to confirm anticipatory bail granted to the petitioner by this Court vide order dated 21.08.2015.

Accordingly, interim bail granted to the petitioner by this Court vide order dated 21.08.2015, is made absolute.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

September 17, 2015
mahavir