

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-14545-2015
Date of decision:21.12.2015**

Lalit Sachdeva

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Vinod K. Kaushal, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.
Mr.Vaibhav Narang, Advocate for respondent No.2.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.8 dated 9.1.2015 registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Women Cell, Amritsar City.

Notice of motion was issued and interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that the petitioner was ready and willing to join the investigation, in compliance of the order passed by this Court. So far as mediation and conciliation proceedings were concerned, the parties could not arrive at an amicable settlement. He further submits that since it is a matrimonial dispute, petitioner is entitled for anticipatory bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Jaswinder Singh, Police Station Women Cell, Amritsar City,

submits that despite the lapse of long period of seven months, petitioner never shown any inclination to join the investigation. He further submits that custodial interrogation of the petitioner would be very much necessary for carrying out the effective investigation.

Similarly, learned counsel for the complainant submits that the complainant was ready and willing to settle the matter amicably right from day one, but it was the petitioner who was adamant from the very beginning and was not found interested in settling the matter. He would next contend that the complainant is still ready and willing to go with the petitioner with a view for staying with him without putting any pre condition. He also submits that it is the petitioner who himself is responsible for the situation being faced by him today and he is still not ready to take the complainant-wife along with him which shows his malafide intention. He also prays for dismissal of the instant petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for anticipatory bail. It is so said because despite the expiry of a long period of seven months, petitioner never joined the investigation. Once he never intended to join the investigation, there was no scope of getting any recovery effected by him. When a pointed question was put to the learned counsel for the petitioner, he on behalf of the petitioner, expressed his inability to take the complainant-wife to the matrimonial home, so as to settle the matter amicably. This prima facie shows that the mediation and conciliation proceedings have also failed because of non-cooperation of the petitioner. The complainant is still ready

and willing to go to the matrimonial home without putting any pre condition. It is the petitioner husband who is adamant not to take the complainant-wife along with him

In view of the above, this Court is of the prima facie view that conduct of the petitioner has left him disentitled for any discretionary relief, at the hands of this Court. Neither he has shown any bona fide for amicable settlement nor he has joined the investigation and that too for no good reasons.

Considering the peculiar fact situation obtaining in the present case and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, no case for anticipatory bail has been made out.

Dismissed.

21.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE