

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc.No.M-1720 of 2015
Date of Decision : 31.3.2015

Rajesh Kumar

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

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CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Sandeep Arora, Advocate for the petitioner.
Mr. K.D. Sachdeva, Addl. A.G. Punjab.
Mr. Vivek K. Thakur, Advocate for the complainant.

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

RAMESHWAR SINGH MALIK, J

Petitioner seeks pre-arrest bail in case FIR No.76 dated 19.8.2014 under Sections 498-A, 406 IPC registered at Police Station Shahpur Kandi, Distt. Pathankot.

Notice of motion was issued and interim protection was granted. Parties were directed to appear before the Mediation Centre for exploring the possibility of compromise. As per the report of Mediation Centre available on record, mediation proceedings have failed. Learned counsel for the petitioner submits that the petitioner has surrendered before the learned trial court and now he is inside the jail, because of which the present petition has been rendered infructuous and may be disposed of, as such.

On 23.3.2015, when the case was taken up for hearing, following

order was passed by this court :-

“ Learned counsel for the petitioner, on instructions from the petitioner, who is present in court, seeks a short adjournment to enable the petitioner to arrange a separate accommodation for taking the complainant-wife alongwith him.

On his request, adjourned to 24.3.2015, however, on payment of ₹ 10,000/- by the petitioner to the complainant on or before the next date of hearing.”

When the abovesaid amount of ₹ 10,000/- was not paid by the petitioner to the complainant before the next date of hearing i.e. 24.3.2015, following order was passed by this court on 24.3.2015 :-

“ Learned counsel for the petitioner seeks a short adjournment to bring an amount of ₹ 10,000/- by way of bank draft in the name of the complainant (wife), in compliance of the order dated 2.3.2015 passed by this court.

On his request, adjourned to 31.3.2015.”

In view of the above statement made by learned counsel for the petitioner, present petition is disposed of, as having been rendered infructuous. However, it is made clear that as and when an appropriate application for regular bail is moved by the petitioner, the learned trial court shall ensure the payment of ₹ 10,000/- by the petitioner to the complainant wife before granting the bail pending trial.

With the above said observations made and directions issued, the present petition stands disposed of.

31.3.2015

GS

(RAMESHWAR SINGH MALIK)
JUDGE

