

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-1891 of 2014
Date of Decision : 27.04.2015

Ajay Sareen

.....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present:- Ms. Pushpinder Kaur, Advocate
for Ms. G.K. Mann, Advocate
for the petitioners.

Mr. Gazi Mohd. DAG, Punjab.

Ms. Rakhi Sharma, Advocate
for Mr. Sachin Sharma, Advocate
for respondent no. 2-complainant.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is made for grant of pre-arrest bail under Section 438 Cr.P.C. in FIR No. 146 dated 31.05.2013 for offence under Sections 498-A, 406 and 120-B of Indian Penal Code (IPC), registered at Police Station A-Division, District Amritsar City.

Earlier the petitioner had filed CRM-M-25877 of 2013 for grant of bail which was dismissed by this Court on 12.08.2013. Thereafter, the parties are said to have entered into a compromise. When the matter was listed on 10.02.2014, the following order was passed:-

*"It is inter alia contended that complaint under
Section 500 IPC was withdrawn by the petitioner's side*

on 25.1.2014. It is also contended that pursuant to compromise dated 13.9.2013 (Annexure P-1) the petition for divorce by mutual consent is to be filed shortly. It is further contended that a sum of ₹ 30 lacs was agreed to be paid to the complainant and out of that amount, ₹ 15 lacs has been paid to the complainant and rest of the amount is lying with the Mediator.

Notice of motion for 21.2.2014.

Meanwhile, in the event of arrest of the petitioner, he shall be released on bail by the Arresting/Investigating Officer. The petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

To be listed along with CRM-M-33044-2013.”

The application for second motion on the petition under Section 13-B of the Hindu Marriage Act was fixed for 30.01.2015. The petitioner, however, filed CRM-M-33044 of 2013 for quashing of FIR and the consequent proceedings. That matter is still pending because the complainant has made the statement in the Mediation Centre that she was prepared to enter into the settlement in the petition under Section 13-B of the Hindu Marriage Act but she would not agree to the quashing petition in the instant FIR.

Learned State counsel on instructions from ASI

Rajinder Singh submits that in terms of the direction dated 10.02.2014, the petitioner has joined the investigation.

In view of the above, the interim bail granted vide order dated 10.02.2014 is made absolute. Petitioner shall also abide by the conditions contained in Section 438(2) Cr.P.C.

Allowed in the above terms.

April 27, 2015
jk

(R.P. NAGRATH)
JUDGE