

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19615-2015(O&M)

Date of Decision:14.12.2015

Jagdeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Behl, Advocate for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

Mr.Mandeep K. Dhot,Advocate for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No.47 dated 13.05.2015, under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana.

On 11.06.2015 the following order was passed:-

“ *Contends that the parties were married on 28.03.2010 and there is a girl child from the marriage. They are living separately since 10.08.2013. It is submitted that there are temperamental differences and the petitioner is willing to rehabilitate the complainant. Counsel for the petitioner further submits that during the process of investigation, recoveries were also effected vide Annexure P2. However, the benefit of anticipatory bail has been denied on the ground that three gold sets were yet to be recovered. He, however,submits that the observation made by the Addl.Sessions Judge are not justified regarding the gold items not having been recovered.*

Notice of motion.

At this stage, Mr.Navjeet Singh, Advocate, has put in appearance on behalf of the complainant and files his power of attorney. He submits that the complainant is ready to go back to the matrimonial home.

Prima facie it is apparent that there is a chance of settlement. Accordingly, parties are directed to put in appearance before the Mediation & Conciliation Centre of this Court on 02.07.2015, to explore the possibilities of settlement.

List on 03.08.2015.

In the meantime, in the event of the arrest of the petitioner, he shall be released on interim bail by the arresting officer, subject to the conditions laid down in Section 438(2) Cr.P.C.”

Thereafter on 03.08.2015 the following order was passed:-

“ Learned counsel for the complainant seeks adjournment to have instructions from the complainant as to whether there are chances of amicable settlement.

List on 15.09.2015.

Interim order to continue.”

Thereafter on 15.09.2015 the following order was passed:-

“ Before proceeding further in the matter, to test the bonafides of the petitioner, I direct him to make a fixed deposit of ` 1 lac in the name of minor Simar through the guardianship of her mother Talwinder Kaur and bring it on the next date of hearing.

Adjourned to 29.9.2015.”

Thereafter on 29.09.2015 the following order was passed:-

“ Today the petitioner is present and states that he is not in a position to make a fixed deposit in the name of his daughter for an amount of Rs.1.00 lac. He states that the Matrimonial Court has awarded maintenance @ Rs.6,000/- to the complainant and the child which amounts to Rs.66,000/- as on date and he will bring the same on the next date of hearing. He, however, states that he has not met the child for the last 3 years.

The complainant states that she has now no objection to the petitioner to meet the child and she will bring the minor Simar on the next date, so that the petitioner and child can meet.

Adjourned to 19.10.2015.”

Thereafter on 19.10.2015 the following order was passed:-

“ In terms of the order dated 29.09.2015 learned counsel for the petitioner has handed over a sum of Rs. 66,000/- to learned counsel for the complainant. The complainant has also brought child Simar and states that they would have no objection in spending one hour with the petitioner in the premises of the high Court so that they can talk to each other.

Adjourned to 02.11.2015.”

Parties are directed to be present on the next date of hearing.”

Thereafter on 02.11.2015 the following order was passed:-

“ The complainant is present in person. The petitioner is not present. Learned counsel for the petitioner states that he has not been able to contact the petitioner and probably he could not appear due to the circumstances beyond his control and prays for a short adjournment.

The complainant states that she has no objection but the petitioner should be directed to pay up-to-date arrears of maintenance on the next date.

Learned counsel for the petitioner undertakes that the petitioner would bring up-to-date arrears of maintenance on the next date.

To come up on 27.11.2015.”

Today parties were asked to see if they could settle this dispute amicably. The complainant has stated that she is more than willing to rehabilitate the marriage especially because of the young daughter. The petitioner has, however, clearly asserted that it would not be possible for him to rehabilitate the marriage but he is ready to otherwise bring an amicable end to this dispute and is ready to give Rs. 15 lacs for the minor and Rs. 10 lacs to the complainant as a one time settlement on the condition that this would be in full and final settlement of all the claims of the complainant and the minor child and the complainant would agree to dissolve this marriage as well as

withdraw all the criminal cases. Seeing his adamant the complainant reluctantly agreed to dissolve the marriage and withdraw the cases and said that she does not want anything for herself but considering the economic condition of the petitioner he should make a deposit of Rs. 50 lacs in favour of the minor. When the petitioner did not agree she further stated that she would not mind even if the petitioner can make the deposit in two years but the petitioner stated that he could not give anything more than is offered. Learned counsel for the complainant then after taking instructions from her made a further statement. He stated that as per the complainant some of her dowry articles including jewellery are still in the possession of the petitioner and in case the petitioner makes a deposit of Rs. 10 lacs in favour of the minor she would not press for those recoveries and would also not oppose the present bail application. As per her at least by this act the petitioner would have mitigated some of the concern she has for the future of her child. However, the petitioner states that it would not be possible for him to do this also and unless there is a one time settlement he is not in a position to make any deposit for the child. I find the conduct of the petitioner unreasonable and unduly stubborn. It seems that he wants to squeeze the complainant for making some kind of settlement with him and is abusing this interim bail order to further pressurize her.

In these circumstances I do not deem it appropriate to grant any relief to the petitioner.

The petition is dismissed.

Since the main case has been decided, the Criminal Misc.
Application, if any, also stands disposed of.

December 14, 2015
sunita

(AJAY TEWARI)
JUDGE