

CRM-M-20304-2014 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-20304-2014 (O&M).
Decided on: February 9, 2015.**

Balwinder @ Surrender

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.A.S.Bhatia, Advocate,
for the petitioner.**

Mr.M.S.Sidhu, Addl. A.G., Haryana.

**Mr.G.S.Kaura, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL)

It appears that the accommodation which was selected by the petitioner for the complainant is at a distance of about 3 kilometers from the original house at village Dholipal, Hanumangarh i.e., the shared household.

The petitioner is staying at a place in different direction 50 kilometers away from the actual house. The matter could not be amicably settled before the Mediation and Conciliation Centre of Punjab and Haryana High Court despite best efforts made for reconciliation.

After hearing the counsel for the petitioner, counsel for the complainant as well as the State counsel, it appears that the petitioner is not interested to resume cohabitation in the matrimonial

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house or shared household but denied the complainant her legal rights. Merely offering to get a house for his wife is not sufficient enough to arrive at a conclusion that he bona fide wants to undertake to perform his all moral or legal obligations arising out of institution of marriage. Wife along with minor child has been compelled to stay away from any shelter which is to be provided by the petitioner. The efforts made by the petitioner appear to be mala fide to deprive the complainant of her statutory right under Section 17 of the Protection of Women from Domestic Violence Act.

No extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

The petition is dismissed without prejudice to the rights of the petitioner to approach this Court again in case the matter is amicably resolved between the husband and wife.

February 9, 2015.
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(M.M.S. BEDI)
JUDGE