

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM No.M-24000 of 2014

Date of Decision:08.01.2015

Rishi Verma

.....Petitioner

Versus

U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Rishi Mahajan, Advocate,
for the petitioner.**

**Mr.Deepinder Brar, Advocate,
for U.T., Chandigarh.**

**Mr.Anuj Raura, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.193 dated 20.06.2014, on accusation of having committed the offences punishable under Sections 406 and 498-A IPC, by the police of Police Station Sector 31, Chandigarh.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.
4. During the course of preliminary hearing, the following

order was passed on 25.07.2014 by this Court:-

“Learned counsel, inter alia, contended that marriage of the petitioner was solemnized with the complainant Shivani Verma on 28.02.2008, according to Hindu Rites and ceremonies. After solemnization of the marriage, they resided together, cohabited as husband and wife and a son was born out of their wedlock on 17.06.2009. Petitioner was working in Scotland and arranged the visa for his wife and she came to Edinburgh (Scotland), where, they used to live together. The argument is that the moment she became pregnant, her attitude changed as she does not want the baby and wanted to enjoy her life. However, petitioner managed to convince her and she gave birth to a male child.

The argument further proceeds that when the mother of the complainant came to U.K., then, she became furious and started leveling false and frivolous allegations against the petitioner. They insisted him to come back and to live in her mother house at Chandigarh. Ultimately, the parties have amicably settled their dispute, by virtue of compromise dated 23.10.2012(Annexure P-3). Petitioner is paying the school fees and other expenses of his son Aagman Verma, who is a student of pre-nursery at Manav Mangal School, Mohali. Although, the petitioner is not at fault but still he is ready to resume cohabitation and amicably settled the matter for the welfare and future of their son.

Heard.

Notice of motion be issued to the respondent, returnable for 05.08.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Sunita Bakshi, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of

Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time. Otherwise also, the parties are stated to have amicably settled their dispute.

6. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation or fails to comply with the terms & conditions of the compromise, then the prosecution/complainant would be at liberty to move a petition for cancellation of his bail in this Court.

January 08, 2015
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(MEHINDER SINGH SULLAR)
JUDGE