

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24133 of 2014

Date of Decision: 27.03.2015

Sandeep Kumar Setia

....Petitioner

v.

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

Mr. Davinder Singh Khurana, Advocate for the complainant.

Navita Singh, J.

The matter was referred to the Mediation and Conciliation Centre and the Mediator after expiry of the period of 90 days requested for extension of time for one month.

Counsel for the complainant submits that the complainant wants to live with the petitioner whereas the latter is ready only for one time settlement. In such event, settlement is not likely to take place and, therefore, grant of extension of time and asking the parties to appear before the Mediator shall be a futile exercise.

So far as request of the petitioner for anticipatory bail is concerned, the same has become practically infructuous as it is submitted by the State Counsel on instructions from Investigating Officer ASI Krishan Lal, Police Station City Fazilka, that charge-sheet is ready to be filed in the Court and the petitioner, at this stage, is not required for any interrogation much less custodial.

On merits, it was submitted by counsel for the petitioner that the allegations in the FIR are false and also initially it was not alleged that any gold ornaments were entrusted to the petitioner and/or his family and those were not returned.

The FIR, however, shows that a girl child was born to the petitioner and on the day the FIR was registered, complainant had demanded money from the petitioner for purchase of books for the daughter on which he abused and gave beatings to her.

Counsel for the complainant submitted that the child is suffering from Leukemia and the petitioner did not come forward even to see the child or pay for her treatment.

In view of the fact and circumstances as above, it cannot be said at this stage that the allegations in the FIR are false. The petitioner is neither keeping the wife and child with him nor is maintaining them. The child is ill and needs attention of both her parents and also needs money for the treatment. Though the matrimonial dispute between the parties otherwise has no direct bearing on merits of the petition yet the conduct and intention of the petitioner is very relevant.

For the reasons given above, the petition is dismissed.

(NAVITA SINGH)
JUDGE

March 27, 2015

renu