

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

201

CRM-M-26784 of 2014 (O&M)

DATE OF DECISION: May 07, 2015.

Kawaljit Singh

....Petitioner.

VERSUS

State of Punjab and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. A.S. Cheema, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Manish Prabhakar, Advocate
for the complainant/respondent no.2.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking grant of concession of pre-arrest bail to the petitioner in FIR No.58 dated 04.07.2014, under Section 498-A IPC registered at Police Station Sekhwan, District Batala.

While issuing notice of motion, this Court passed the following order on 08.08.2014:-

“ Counsel for the petitioner on instructions has informed that the petitioner is ready for the out of Court settlement, as it was second marriage of the petitioner and complainant. The complainant has taken away her Alto-car and nothing is to be recovered from

the petitioner at this stage.

On the oral request of counsel for the petitioner, complainant Kuldeep Kaur D/o Sucha Singh R/o Village Daulatpur, Police Statiion Sekhwan, Tehsil Batala, District Gurdaspur is impleaded as respondent no.2.

The petitioner shall deposit amount of Rs.20,000/- as litigation expenses and thereafter notice be issued to the respondents returnable for 09.10.2014.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his/their arrest, he/they shall be released on bail by the Investigating Officer on his/their furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Sectiion 438(2) Cr.P.C.:-

- i. a condition that the person shall make himself/themselves available for interrogation by Police Officer as and when required;*
- ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- iii. a condition that the person shall not leave India without the previous permission of the Court;*
- iv. such other condition as may be imposed under sub section (3) of section 437, as if the bail were granted under that section."*

Thereafter, parties were even directed to go the Mediation and Conciliation Centre of this Court to thrash out the possibility of an amicable settlement.

As per report dated 12.01.2015 of Mr. Arun Kumar

Bakshi, Mediator, no compromise could be arrived at.

During the course of hearing of this petition and on 23.01.2015, counsel for the petitioner had made a statement that the petitioner is ready and willing to pay an amount of Rs.3.5 lacs to the complainant and out of which a sum of Rs.2,00,000/- would be deposited within a period of four weeks with the Registry of this Court. Such order was passed in the presence of the counsel appearing for the complainant.

Counsel for the petitioner has produced in Court today copy of deposit receipt dated 20.04.2015 in terms of which Rs.2,00,000/- stand deposited with the Registry.

Learned State counsel, upon instructions from HC Satvinder Singh, would submit that the petitioner otherwise had joined investigation.

Counsel for the petitioner has submitted that he would have no objection to the release of Rs.2,00,000/- that already stand deposited in favour of the complainant to be set off against the maintenance that has already been granted by the competent Court in pursuance to the proceeding under Section 125 Cr.P.C.

In the totality of circumstances and keeping in view the fact that the petitioner has already joined investigation, the instant petition is allowed.

Accordingly, the order dated 08.08.2014 passed by this Court is made absolute. The petition stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

May 07, 2015