

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

Date of Decision :21.12.2015

1. CRM-M-34505-2015

Satpal and another

....Petitioners

Versus

State of Punjab

..... Respondent

2. CRM-M-39152-2015

Naveen Kumar

....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anupam Bhardwaj, Advocate
for the petitioners in CRM-M-34505-2015.

Mr. S.S.Sandhu, Advocate
for the petitioner in CRM-M-39152-2015.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The aforesaid two petitions for anticipatory bail have been filed in case bearing FIR No. 25 dated 26.07.2015, under Sections 498-A/406 IPC, registered at Police Station Women Cell, Ferozepur, District Ferozepur. Since both the petitions have arisen out of a

common FIR, they are being disposed of by this common order. CRM-M-39152-2015 has been filed at the instance of the wife. Since the petitioner-husband was abroad, his parents filed application for anticipatory bail i.e.CRM-M-34505-2015. On 08.10.2015 the following order was passed:-

“ Learned counsel states that apart from the merits of the case the petitioners and their son are very keen to bring an amicable end to this dispute since there are two children from the marriage.

Notice of motion.

On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Mr.Nakul Sharma, Advocate has entered appearance on behalf of the complainant and states that though the petitioners and their son have not treated the complainant well, yet in view of the interest of the two children he would also not oppose an amicable end to this dispute.,

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned DAG and to Mr. Sharma during the course of the day.

Adjourned to 29.10.2015.

In the meantime, in the event of their arrest, the petitioners are ordered to be released on interim bail to the satisfaction of the investigating officer subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Let parties to the marriage be also present on the next date of hearing.”

On 29.10.2015 the following order was passed:-

“Learned counsel for the petitioners states that son of the petitioners will come back within 10 days and settle the dispute.

Learned counsel for the complainant states that this tactic was adopted before the Sessions Judge also and over there it was represented that son of the petitioners will come back within 7 days but he never came back and the complainant would otherwise have no objection but the conduct of the petitioners and their son has raised serious doubt in her mind.

Even though the petitioners do not deserve the concession of anticipatory bail but I deem it appropriate to

give one more opportunity to the son of the petitioners to appear before this Court.

Adjourned to 06.11.2015.

Let petitioners and their son appear in Court on the next date of hearing.”

At that stage an apprehension had been voiced that in case the petitioner would come back from abroad he would be arrested. I had taken the oral concession from learned counsel for the complainant and the learned Additional Advocate General that if the petitioner was to file a petition for anticipatory bail directly in this Court they would not object. It was subsequent to this that the present petition was filed and immediately thereafter on the basis of the undertaking given by the parents of this petitioner he was also granted interim relief. After he came back on 06.11.2015 the following order was passed:-

“The son of the petitioners has come back from abroad. Both the parties are heard. It does not seem likely that there may be reconciliation of marriage but it is hope that this young couple would atleast settle the dispute otherwise amicably for the sake of their children.

Adjourned to 19.11.2015.”

Thereafter the petitioner has been seeking adjournments on this ground. Today he states that he would at the most pay an amount of Rs. 12 lacs towards full and final settlement of all the claims of the complainant and the two children towards Stree Dhan, dowry, maintenance and alimony etc. It may be mentioned here that the complainant has stated that she would not seek even a penny for herself and whatever money would be given by the petitioners would be put in a fixed deposit in the name of the two children. Against the backdrop of that very fact I had been requesting the petitioners to make such provision for the minor children which would be enough to maintain them not only today but even 10-15 years from now. By making this

offer I am now convinced that the petitioners are overreaching this Court and are only trying to squeeze the complainant into making a settlement which would not be in the interest of the minors. On account of this conduct of the petitioners, I dismiss these petitions.

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

**(AJAY TEWARI)
JUDGE**

December 21, 2015
sunita