

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-37432 of 2014 (O&M)
Date of Decision: 06.04.2015.

Rajesh Sharma

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.D. Sharma, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. Ashok Giri, Advocate for the
complainant/respondent no.2.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case F.I.R. No. 75 dated 19.8.2014 under sections 498-A, 406 I.P.C registered at Police Station, Shahpurkandi, Tehsil & District Pathankot.

On 19.1.2015, the following order was passed by this Court:-

“Learned counsel for the petitioner as well as learned counsel for respondent No. 2/complainant are in unison that there are bright chances of resolving this matrimonial dispute. The private parties have sat together and discussed the modalities of the compromise, but intervention from the Mediation and Conciliation Centre situate at Sessions Division, Pathankot is required and, as such, they pray that the matter be referred to the Secretary, District Legal Services Authority, Pathankot.

Learned counsel for the State has no objection to the above prayer.

Adjourned to 6.4.2015.

In the meantime, in the event of arrest of the petitioner, he shall be admitted to ad-interim bail subject to his

furnishing bail bonds to the satisfaction of the arresting officer.

The Secretary, District Legal Services Authority, Pathankot, is directed to entertain the case of the private parties in the Mediation and Conciliation Centre and fix the date for conciliation as per norms.

The petitioner as well as respondent No. 2/complainant shall appear before the Secretary, District Legal Services Authority, Pathankot, on 13.2.2015.

The petitioner shall produce the photostat copy of the complete paper book along with copy of this order before the Secretary, District Legal Services Authority, Pathankot.”

The petitioner, who is the husband of the complainant namely Neha Sharma had duly appeared before the Mediation & Conciliation Centre at Pathankot. As per report submitted by the Secretary, District Legal Services Authority, Pathankot a settlement has been arrived at between the parties and the same has also been placed on record. In terms of such settlement the husband and wife have agreed to part ways subject to terms and conditions contained in the settlement.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition, accordingly, is allowed. Order dated 19.1.2015 is made absolute.

It is, however, observed that the petitioner would remain bound by the terms and conditions contained in the settlement/agreement arrived at before the Mediation & Conciliation Centre at Pathankot and it would be open for the complainant to seek cancellation of such concession in the eventuality of the petitioner deviating from any of the conditions contained in the agreement/settlement.

At this stage, it has been brought to the notice of the Court that in the light of the settlement arrived at a petition under Section 13-B of the Hindu Marriage Act seeking dissolution of marriage by mutual consent was to be filed by 30.3.2015 and which date has since elapsed. Accordingly, by way of consensus arrived at between learned counsel for the parties, the date of filing of petition under Section 13-B of Hindu Marriage Act would now be read as on or before 15.4.2015.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 06, 2015
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