

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-39013-2014

Date of decision: 04.08.2015

Rajan Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Vikram Chaudhari, Senior Advocate with
Mr. SS Gill, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

Ms. Rakhi Sharma, Advocate for respondent No. 2.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 249 dated 25.10.2014 registered under Section 498-A IPC and Section 3 of the Domestic Violence Act, 2005 at Police Station Sadar, Amritsar, District Amritsar.

When this case was listed on 17.11.2014, following order was passed:-

“Learned senior counsel states that apart from the merits of the case the petitioner is very keen to settle this dispute specially since there is also a child.

Notice of motion.

On the asking of the Court, Mr. Deepak Garg,

Assistant Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned A.A.G. during the course of the day.

Learned counsel for the petitioner further undertakes to serve the respondent No.2 by way of dasti process. May do so. Dasti only. However, dasti notice shall be issued only if a draft of Rs.50,000/- in favour of the respondent No.2 is given by the petitioner towards ex-parte interim maintenance/ litigation expenses and the same shall be annexed along with the dasti summons.

Adjourned to 22.01.2015.

In the meantime, arrest of the petitioner shall remain stayed.

Parties to the marriage are directed to appear in Court on the next date of hearing.”

Report from the Mediation and Conciliation Centre, Amritsar has been received and as per the same, the mediation has failed.

On instructions from ASI Manjit Singh, learned State counsel submits that the petitioner has joined the investigation on 21.02.2015 but some recovery is still to be made from him.

For that purpose, the petitioner is again directed to appear before the Investigating Officer/SHO of the police station concerned on 18.08.2015 between 10.00 a.m. to 2.00 p.m. He is directed to co-operate with the investigation and keep on joining the same as and when required.

In view of the above and without expressing any opinion on

merits of the case, the instant petition is allowed and the interim bail granted to the petitioner vide order dated 17.11.2014 is made absolute and the petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

In case, the petitioner does not appear before the Investigating Officer/SHO on 18.08.2018 between 10.00 a.m. to 2.00 p.m., the concession granted to him by this order shall automatically stand vacated.

August 04, 2015
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(R.P. NAGRATH)
JUDGE