

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 574 of 2015(O&M)
Date of Decision : 27.04.2015.

Jasbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Bikramjit Singh Baath, Advocate for the petitioner.
Mr. Nikhil K. Chopra, Deputy Advocate General, Punjab.
Ms. Anupam Bhanot, Advocate for the complainant.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. praying for the concession of anticipatory bail to the petitioner in case FIR No. 147, dated 10.07.2014, under Sections 494, 420, 380, 506 IPC, registered at Police Station Jhabhal, District Tarn Taran.

Learned counsel for the parties have been heard.

Complainant in the present case is Sharanjit Kaur i.e. wife of the accused/present petitioner. Allegations against the petitioner are with regard to maintaining illicit relations with a lady by the name of Ranjit Kaur and having thereafter even performed a second marriage without getting divorce from the complainant. Further allegations are with regard to the petitioner having stolen a pair of gold earrings, one gold ring and ₹10,000/- cash from an Almirah, which belonged to the complainant.

While issuing notice of motion, the following order was passed by this Court on 12.01.2015 :-

“Learned counsel for the petitioner has shown the copy of the complaint filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which shows that the wife of the complainant and his children are staying in the house along with the parents of the petitioner. An attempt at this stage can be made for an amicable settlement between the parties. On oral request of the petitioner, Sharanjit Kaur (wife of the petitioner), Kiranjit Kaur and Shamsher Singh (minor daughter and son of petitioner) r/o village Thathgarh, Tehsil and District Tarn Taran, are impleaded as party.

Notice of motion be issued to the respondents, returnable for 21.01.2015, subject to deposit of Rs.30,000/- as litigation expenses in the Registry of this Court, by learned counsel for the petitioner.

Process Dasti as well.

Till the next date of hearing, 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 Section 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*

It has gone undisputed that the petitioner had duly deposited a sum of ₹30,000/- towards litigation expenses and the same

has since been released to the complainant. Thereafter parties were directed to appear before the Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement. On 13.03.2015 this Court had also issued directions to the petitioner to make a deposit of ₹50,000/- with the registry of this Court and for such amount to be put in a fixed deposit in the joint names of respondents No. 3 and 4 i.e. the children born out of the wedlock.

As per office report, the sum of ₹50,000/- has been deposited by the petitioner in the cash branch of this Court but the requisite FDR could not be prepared in the joint names of respondents No. 3 and 4 as they are reported to be minors.

Report of the Mediator has also been placed on record, which would reflect that the mediation proceedings have not borne any positive result.

Learned State counsel upon instructions from ASI Gurinder Singh would apprise the Court that the petitioner otherwise has joined the investigation.

In the totality of circumstances, this Court is of the considered view that the petitioner having joined investigation, his custodial interrogation would not be warranted. Petition is allowed. Order dated 12.01.2015 passed by this Court is made absolute.

It is further directed that the amount of ₹50,000/- that stands deposited by the petitioner with the cash branch of this Court be released in favour of the complainant upon a requisite application being filed in such regard.

Disposed of.

April 27, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE