

CRM No. M-31396 of 2016
DECIDED ON: OCTOBER 19, 2016

HARNOOR SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. M.S. Kohli, Advocate
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

Mr. G.S. Jagpal, Advocate
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 48 dated 06.04.2016 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No.1, Jalandhar

At the time of issuance of notice of motion, the following order was passed by this Court:

“Inter alia, it has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the instant case on account of matrimonial dispute. Even, the matrimonial dispute was settled at one time between the petitioner and his wife and they moved a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking decree of divorce by way of

mutual consent. At subsequent stage, the complainant, wife of the petitioner resiled from the compromise and subsequently, the said petition was withdrawn. The petitioner has been roped in the instant petition just on account of matrimonial dispute.

Notice of motion to the respondent for 19.10.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from HC Jarmanjeet Singh, submits that in compliance of order dated September 09, 2016, petitioner has joined the investigation and he is no more required for further investigation.

However, learned counsel for the complainant submits that the wife (complainant) did not resile from the compromise. Rather, the petitioner failed to comply with the terms and conditions of the compromise arrived at in between the petitioner and his wife and did not make the payment of the maintenance allowance. However, there is no such recital in the compromise, a copy of which is available on record.

In view of above, order dated September 09, 2016 is hereby, made absolute and shall enure during the pendency of trial.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

OCTOBER 19, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*