

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

Crl. Misc. No.M-5001 of 2016

Date of Decision: 21.04.2016

Kamalpreet Singh Bains

....Petitioner

Versus

Union Territory of Chandigarh and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Ashok Gupta, Advocate
for the petitioner.

Mr. Sukant Gupta, Advocate
for U.T. Chandigarh.

Mr. Jaswinder Singh, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.340 dated 27.07.2012 registered under Section 498-A IPC at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner submits that the petitioner and victim solemnized marriage on 06.01.2008 and it was a case of love affair and the marriage was also simple. Subsequently, due to some differences arose between the parties, they could not remain happy in their matrimonial life. Complainant-wife also filed a petition under Section 125

Cr.P.C for maintenance. Thereafter, the dispute between the parties was settled and both of them decided to remain together. The compromise, to this effect, was duly reduced into writing before the police authorities on 31.12.2009 and the complainant-wife withdrew the complaint dated 27.02.2009. Learned counsel further submits that the petitioner and complainant got permanent residency for Australia and they left for Australia on 01.07.2010. Thereafter, the petitioner never came to India. There was no dispute between the parties at that time but subsequently, the temperamental differences arose and because of that reason, the divorce petition filed by the petitioner was allowed and the marriage was dissolved by way of decree of divorce on 06.03.2012 by the Court of Federal Magistrate, Australia. Learned counsel also submits that the petitioner is in custody since 11.01.2016 and the offence is under Section 498-A IPC only. The petitioner is ready to abide by any of the terms and conditions to be imposed by this Court or by the trial Court.

Learned counsel for the respondent-State as well as learned counsel for the complainant oppose grant of bail to the petitioner on the ground that he has misused the process of law and has played hide and seek with the Court. The earlier complaint was revived as it was agreed between the parties that no harassment would be there. Petitioner remained proclaimed offender for a period of four years. Learned counsel for the complainant also submits that the petitioner has solemnized marriage.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR.

Admittedly, the petitioner is in custody since 11.01.2016 and divorce has also been granted. Earlier there was a settlement between the parties and the petitioner is ready to abide by all terms and conditions to be

imposed by this Court or by the trial Court. Challan has been presented and the investigation has been completed.

In view of the above, the present petition is allowed and the petitioner is directed to be released on regular bail by the trial Court by imposing terms and conditions, which it may think appropriate, keeping in view the circumstances of the case so that the petitioner may not misuse the concession of regular bail.

21.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE