

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2154-2016

Date of decision-02.11.2017

Mahinderpal Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Achin Gupta, Advocate for the petitioner.

Ms. Anju Arora, Addl.AG, Punjab.

Mr. A.S.Rai, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.40 dated 18.12.2015 registered under Section 498-A of Indian Penal Code at Women Police Station, District Bathinda.

Learned counsel for the petitioner states that the petitioner has expressed his inability to pay the amount of Rs.50,000/- to his minor child in pursuance of the order dated 25.05.2017.

The learned State counsel submits that in pursuance of the order dated 21.01.2016, the petitioner has joined the investigation but he is not cooperating.

I have heard learned counsel for the parties and have gone through the case file.

In the petition preferred by the complainant-wife under the Protection of Women from Domestic Violence Act, 2005 the petitioner-husband was proceeded against ex parte and Rs.15,000/- per month was awarded as maintenance to her. However, after getting the relief of interim bail from this Court, the cheque given towards maintenance has bounced. Furthermore, the petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights filed by the petitioner has also been dismissed for non-prosecution.

Earlier also the matter was referred to the Mediation and Conciliation Centre of this Court. However, the mediation did not fructify.

In view of the above, it appears that petitioner is not interested and willing to pay the amount. The Court feels that the conduct of the petitioner lacks *bona fide*.

Consequently, the present petition for grant of pre-arrest bail stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

02.11.2017

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No