

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

Criminal Misc. No.M- 2253 of 2017(O&M)

Date of Decision: December 6 , 2017.

Mandeep Singh PETITIONER (s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajender Singh Malik, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Vineet Sehgal, Advocate
for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.22 dated 21.04.2016 under Sections 498A/494/323/324/406/120B/506 IPC, registered at Police Station Women, District Panchkula.

It is submitted that marriage between the petitioner and the complainant was solemnized on 07.04.2000. There is one daughter born out of this wedlock. It is submitted that there is no evidence on record to show that the complainant was ever ill-treated on account of dowry or otherwise during the

sixteen years of their marriage. The petitioner has repeatedly expressed his desire for resumption of matrimonial ties with the complainant, especially keeping in view the interest of their minor daughter. However, the complainant is not coming forward. It is further submitted that the petitioner had offered to transfer two acres of his own land in favour of his minor daughter as well, however, the complainant is not coming forward. Moreover, the petitioner has joined investigation pursuant to order dated 27.03.2017. He undertakes to face proceedings and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant is unable to deny that effort was made for mediation between the parties however, the same failed.

Heard learned counsel for the parties.

It was submitted on behalf of the complainant before this Court on 15.09.2017 that the petitioner is not displaying his bonafides and has refused to allow the complainant and their daughter to accompany him in the matrimonial home. Matter was adjourned to enable learned counsel for the petitioner to seek instructions. The petitioner on 20.09.2017 submitted before this Court that he is ready and willing to resume matrimonial ties with the complainant, his wife. He also offered to transfer two acres of land in favour of their minor daughter. This is so recorded in order dated 20.09.2017. However, the complainant/respondent No.2 did not come present before this Court on the ground that her father was hospitalized. Matter was adjourned for today on request of her counsel. Today again, respondent No.2 has not come present neither does her counsel have any instructions in respect to the offer made by the petitioner.

Learned counsel for the State, on instructions from ASI Jai Parkash, verifies that the petitioner has indeed joined investigation. It is further informed that final report under Section 173 Cr.P.C. has since been presented. The petitioner, it is verified, is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Consequently, order dated 27.03.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

December 6 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No