

Criminal Misc. M- No. 32625 of 2016 (O&M)

Date of decision : March 20, 2017

Nirpesh Mittal

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Additional AG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 106 dated 31.07.2016 registered under Sections 306, 34 IPC at Police Station Doraha, District Ludhiana.

It is submitted that the deceased, in this case, was living with her parents since June 2009. Litigation was admittedly pending between the petitioner and his wife. A petition under Section 9 of the Hindu Marriage Act, 1955 (for short – 'the Act') was filed by the petitioner and a petition under Section 13 of the Act was filed by the deceased. A petition under Section 25 of Guardian and Wards Act for the custody of the minor was filed by the petitioner in March, 2016. Furthermore, no allegations were raised against the petitioner at the outset but the present FIR was registered after a delay of 08 days. The petitioner, it is submitted, has joined investigation pursuant to order dated 16.09.2016. No recovery is to be effected from him. Thus, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Barjinder Singh, Police Station Doraha affirms and verifies that the petitioner has indeed joined investigation. No recovery is to be effected from the petitioner and his custodial interrogation is not required.

The factual position regarding litigation between the parties as well as the deceased living separately from the petitioner since June 2009 is not in dispute. 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 in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 16.09.2016 is made absolute.

March 20, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No