

Criminal Misc. No. M- 33482 of 2016 (O&M)

Date of decision : December 18, 2017

Rupinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. J.S. Mahal, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 176 dated 07.08.2016 under Sections 498A, 506, 341, 384, 120B IPC registered at Police Station City Faridkot, District Faridkot.

It is submitted that the present FIR has in fact been registered due to temperamental differences between the parties. At one stage, compromise was effected between the parties on 22.07.2015 (Annexure P-2). Pursuant thereto, cheque dated 22.07.2015 for a sum of ₹1,30,000/- was handed over to respondent No. 2. The same was encashed by her. The present FIR, it is submitted, has thereafter been registered only with a view to harass the petitioner, who is a Government servant. It is submitted that the petitioner even thereafter was ready and willing to resume matrimonial ties with respondent No. 2 but she has specifically refused for the same as is reflected in order dated 25.09.2017. Thereafter, final report under Section 173 Cr.P.C. has been presented after completion of investigation.

No allegations attracting the offence punishable under Section 406 IPC were levelled against the petitioner. The petitioner undertakes to face the proceedings and not abuse the concession of bail, if confirmed. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for respondent No. 2 is unable to deny that mediation between the parties before this Court has failed. It is further not denied that cheque dated 22.07.2015 for a sum of ₹1,30,000/- has since been encashed though it is vehemently argued that this amount was only in respect to the *rokka* ceremony. It is further not denied that respondent No. 2 has filed a petition under Section 13 of the Hindu Marriage Act seeking divorce from the petitioner.

Learned counsel for the State, on instructions from HC Nachhattar Singh, verifies that the petitioner has joined investigation. Final report under Section 173 Cr.P.C. after completion of investigation has since been presented. It is verified that the petitioner is not involved in any other criminal case and no recovery has to be effected from him.

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 21.09.2016 is made absolute.

(Lisa Gill)
Judge

December 18, 2017
rts

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