

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

CRM-M-34983 of 2016(O&M)

Date of decision : 10.10.2017

Ankur Pathania

..... Petitioner

Versus

State of Punjab and another

..... Respondents

AND

CRM-M-24437 of 2016 (O&M)

Yash Pal Singh Pathania and another

.....Petitioners

Versus

Staet of Punjab and another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Annkur Soni, Advocate
for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr. Navjinder Singh Sidhu, Advocate
for respondent no.2.

LISA GILL,J(Oral)

This order shall dispose of CRM-M-34983 of 2016 as well

as CRM-M-24437 of 2016. For the sake of convenience, facts are extracted from CRM-M-34983 of 2016.

Petitioners in both the cases seek the concession of anticipatory bail in FIR No.29 dated 11.05.2016, under Sections 406, 498-A, 120-B IPC, registered at Police Station Behrampur, District Gurdaspur.

Petitioner-Ankur Pathania, is the husband of the complainant. Petitioner-Yash Pal Singh Pathania and Urmal Pathania, are the parents-in-law of the complainant. It is submitted that vague and baseless allegations have been raised in the FIR against all the petitioners. The FIR in any case is a counterblast to a divorce petition which was filed by the petitioner-Ankur Pathania on 07.10.2015. FIR in this case was admittedly registered on 11.05.2016. It is submitted that the complainant had insisted on a residence separate from her parents-in-law. Her request was acceded to and a separate residence was provided at Delhi in May, 2015. However, there was no change in her behaviour and it is alleged that she was not even looking after the minor daughter in a proper manner. The complainant, it is submitted left the matrimonial home thereafter. Reference is made by learned counsel for the petitioners to certain conversations between the complainant and her mother to submit that no ill-treatment or harassment was ever meted out to the complainant at the hands of the petitioners. The transcript of the said conversations are attached with this petition as Annexures P-2, P-3 and P-6.

During the pendency of this petition, the parties at one stage

resolved the matter amicably as noted in order dated 25.04.2017. Petitioner-Ankur Pathania and respondent-complainant decided to part ways. It was agreed that a petition under Section 13-B of the Hindu Marriage Act, 1955, would be filed. A sum of ₹ 14 lakhs was decided to be paid as full and final settlement qua all claims which the complainant might have against her husband. A sum of ₹ 4 lakhs out of the said amount was to be handed over to respondent no.2 in the form of an FDR in the name of their minor child. The matter was adjourned to enable the parties to place on record the written terms and conditions of the settlement.

Learned counsel for the petitioners on 25.07.2017 informed that the terms and conditions of the settlement could not be drawn up as respondent no.2 expressed certain reservations about the settlement. Respondent no.2 was accordingly directed to be present in Court on the next date of hearing.

Respondent no.2 on 05.09.2017, appeared before this Court and stated that though she agreed to part ways with petitioner-Ankur Pathania at an earlier point of time, but now she no longer wished to go ahead with the settlement as it was arrived at under pressure of her own mother.

Learned counsel for the petitioners informs that entire arrears of maintenance due towards respondent no.2 have since been cleared i.e. a sum of ₹ 1,06,000/-, has been transferred to the account of respondent no.2 i.e. SB account no. 310486452, Central Bank of India, Behrampur,

Gurdaspur. FDR in the sum of ₹ 3 lakhs in favour of the minor child is produced in Court today. The said FDR is to mature at the time when the child attains the age of 18 years. Photocopy of the said FDR is taken on record, subject to just exceptions. FDR of ₹ 3 lakhs has been handed over to respondent no.2, who is present in Court duly identified by her counsel. It is made clear that the said FDR has been handed over to respondent no.2 without any prejudice to the rights of the petitioners.

Learned counsel for the State on instructions from ASI Kawaljit Singh, P.S. Behrampur, Gurdaspur, verifies that all the petitioners have joined investigation. It is further verified that none of the petitioners are involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are 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 these petitions. Consequently, order dated 30.09.2016 in CRM-M-34983 of 2016 and order dated 21.07.2016 in CRM-M-24437 of 2016, are made absolute.

Both these petitions are accordingly allowed.

10.10.2017

s.khan

**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No