

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

Crl. Misc. M-38908 of 2015 (O&M)

Date of Decision: October 30, 2017

Iqbal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

Mr. Keshav Kratap Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.139 dated 04.09.2015, under Section 498-A of the Indian Penal Code, registered at Police Station Chhajli, District Sangrur.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and has joined the investigation pursuant to the order dated 18.11.2015. It is also argued that in fact, a divorce has already been granted on the behest of the complainant.

Learned counsel appearing on behalf of the complainant submits that the divorce was granted only on account of the fact that defense of the petitioner was struck off, since he has not paid the maintenance.

Learned DAG Punjab for the respondent-State, on instructions

from HC Narinder Singh, submits that though the petitioner has joined the investigation, but the gold items have not been recovered so far and other items that have been recovered, have been handed over to the complainant.

I have heard learned counsel for the parties.

An attempt has been made by this court as well as by the Mediation and Conciliation Centre of this court to settle the dispute between the parties, which mediation process has failed. The petitioner herein has expressed his inability to transfer any asset into the name of his daughter by stating that he does not have any asset and survives on daily job. In view of the facts that the petitioner has already joined the investigation, at this stage no useful purpose would be achieved in denying him relief of anticipatory bail. Under these circumstances, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 18.11.2015 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

The complainant of course is at liberty to pursue all her legal remedies available to her insofar as getting the maintenance under Section 125 Cr.P.C. and to proceed against the petitioner under any other law should she so desire.

October 30, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No