

Criminal Misc. No. M- 4047 of 2017 (O&M)

Date of decision : November 17, 2017

Kulwinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

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

Mr. Saurav Khurana, DAG, Punjab.

Mr. Rahul Sharma, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 51 dated 01.10.2016 under Section 498A IPC registered at Police Station Women, District Bathinda.

While issuing notice of motion, in this case, contentions noted on behalf of the petitioner read as under:-

“ Learned counsel for the petitioner submits that the matter can be amicably resolved as the petitioner is ready to live with his wife. It is submitted that the petitioner, who is serving the Indian Armed Forces, can even seek his transfer to a family station where both can live together.”

Respondent No. 2/complainant – the petitioner's wife came present before this Court on 05.04.2017 and submitted that she is ready and willing to cohabit with the petitioner. It was submitted on behalf of the petitioner that he would seek leave and bring back his wife to the matrimonial home. The matter was placed before the Mediation and

Conciliation Centre of this Court to work out the final details. However, the petitioner did not come present except on one occasion. As per report dated 19.07.2017 by the Mediator, it is informed that when the petitioner was contacted telephonically, he informed that he could not come present and would appear only when the matter is fixed before the Court. The petitioner appeared before this Court on 29.08.2017 and stated that while serving the Indian Armed Forces, he met with an accident and his spine was injured in the accident. He was admitted at the Command Hospital, Chandi Mandir, therefore, could not come present for mediation. He was to be operated upon in the near future. The petitioner again expressed his readiness and willingness to cohabit with respondent No. 2. The matter was adjourned to 12.10.2017 and thereafter to 13.11.2017 when the following order was passed:-

“ The petitioner as well as respondent no.2 duly identified by their counsel are present in Court. Petitioner had come present before this Court on 29.08.2017 and had submitted that he was involved in an accident and he suffered a spine injury. He was to be operated upon. The petitioner expressed his readiness and willingness to cohabit with respondent no.2 thereafter. The matter was accordingly adjourned.

Today, the petitioner, present in Court, states that he is not ready and willing to cohabit with his wife-respondent no.2 in any situation. No explanation is forthcoming for this volte face or the reason for filing a petition under Section 9 of the Hindu Marriage Act, 1955 in case the petitioner did not wish to reside with his wife. Respondent no.2 has nevertheless expressed her willingness to resume matrimonial ties with the petitioner. It appears that the petitioner made an incorrect statement before this Court on 29.08.2017 only with a view to further enjoy the interim order granted by this Court.

Learned counsel for the petitioner, at this stage seeks a short adjournment.

On request, adjourned to 17.11.2017. ”

The position is no different today, therefore, keeping in view the conduct of the petitioner, no ground whatsoever is made out to afford the concession of anticipatory bail to him.

Accordingly, this petition is dismissed.

November 17, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No