

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

CRM-M -46724 of 2016 (O&M)
Date of decision: 16.08.2017

Ranbir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Batth, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. R.S. Bajaj, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.158 dated 14.12.2016, registered under Section 498-A of IPC, at Women Police Station, District Jalandhar City.

On 28.12.2016, this Court had passed the following order:-

“Inter alia submits that the marriage was solemnized in the year 2008 and both the parties are working as doctors. The petitioner had filed a petition under Section 9 of the Hindu Marriage Act, 1955 (HMA) on 03.11.2016, in which service upon the complainant is to be effected. It is submitted that there is a boy child of six years of the parties, who is residing with the complainant.

It is contended that even as per the pleadings of the petition under Section 9 of the Hindu Marriage Act, the parties had no physical relation with each other for the last 5 years. There are also allegations of adultery as such with one Ajay Kumar in the said petition under Section 9 which has also been mentioned in the present petition in paragraph No.5.

It is further submitted that in such circumstances, the FIR is only a counter-blast. It is, accordingly, submitted that efforts can be made to resolve the issue with the process of mediation either way.

Notice of motion.

On the asking of the Court, Mr. K.S. Pannu, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paperbook has been supplied.

To come up on 09.02.2017, for service of respondent No.2.

Counsel for the petitioner undertakes to place on record the copy of the petition filed under Section 9 of the Hindu Marriage Act.

In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail by the investigating officer and comply with the conditions laid down in Section 438 (2) Cr.P.C.”

It is contended that in pursuance of the order dated 28.12.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that petitioner has joined the investigation.

The learned counsel for respondent No.2 states that he

has no objection in case the present petition is allowed subject to fulfillment of undertaking made by father of the petitioner in the connected petition i.e. CRM-M-6888-2017.

Keeping in view the statement made by father of the petitioner, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 28.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, it is made clear that in case the statement made by father of the petitioner is not honoured, the present petition shall be deemed to have been dismissed without further notice.

16.08.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No