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

CRM-M-5616 of 2017

Date of decision: September 04, 2017

Gurwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms. Gurmeet Gill, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

Respondent No.2-complainant in person with
Mr. G.S. Sandhu, Advocate.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of anticipatory bail in FIR No.156 dated 27.12.2015, under Sections 498-A, 323, 120-B, 406 of Indian Penal Code, 1860, registered at Police Station Anandpur Sahib, District Roopnagar.

Petitioner is the husband and respondent No.2-complainant is the wife.

What is under challenge in the present petition is order dated 26.10.2016 (Annexure P-3) and order dated 03.02.2017 (Annexure P-4) by which the trial Court granted regular bail to the petitioner, however, with a condition to make payment of ₹30,000/- plus ₹1,50,000/-; and the regular bail granted to the petitioner has been cancelled. Admittedly, the amount of ₹30,000/- stands paid to respondent No.2-complainant-wife.

Learned counsel for the petitioner states that the condition for regular bail to pay ₹1,50,000/- is onerous and the petitioner is not in a position to make payment of the said amount. She further submits that as per the recent Supreme Court judgment, in the matters in relation to matrimonial dispute, the arrest should not be made.

Per contra, learned State counsel as well as learned counsel for respondent No.2-complainant opposed the petition.

Upon hearing the learned counsel for the rival parties, I think the balance can well be struck well by asking the petitioner to pay ₹50,000/- in place of ₹1,50,000/-, particularly, because an amount of ₹30,000/-towards litigation expenses has admittedly been paid to the complainant.

In that view of the matter, this petition is partly allowed. Impugned order imposing condition to make payment of ₹1,50,000/- is substituted by asking the petitioner to pay ₹50,000/- within a period of 3 months from today. No further extension shall be granted. The amount shall be paid by way of demand draft in favour of respondent No.2-complainant-wife.

Disposed of.

(A.B. CHAUDHARI)
JUDGE

September 04, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No