

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

Criminal Misc. No.M- 10252 of 2017(O&M)

Date of Decision: February 19 , 2018.

Atul Chadha

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Varun Sharma, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. V.K.Thakur, Advocate
for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0045 dated 02.06.2016 under Sections 498A/406 IPC, registered at Police Station Sekhwan, District Batala.

It is submitted that the abovesaid FIR was registered due to temperamental differences between the petitioner and respondent No.2. The matter was compromised between the parties after the registration of this FIR and matrimonial ties between the petitioner and respondent No.2 resumed.

However, it is submitted, the petitioner's wife, respondent No.2 yet again left the matrimonial home on 10.03.2017. Despite an effort for an amicable resolution of the dispute between the parties before the Mediation and Conciliation Centre of this Court, the matter could not be settled. In order to show his bona fides, the petitioner has deposited an FDR to the tune of ₹1,00,000/- in favour of the minor child with the mother as a guardian, without prejudice to his rights. The petitioner undertakes to hand over another sum of ₹1,00,000/- in the shape of FDR in favour of the minor child with the mother as the guardian within the next five months. The petitioner, it is submitted, has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant/respondent No.2 denies that the complainant left the matrimonial home of her own accord on 10.03.2017, but contends that she alongwith the minor child was turned out of the matrimonial home. However, it is not denied that the parties could not arrive at an amicable resolution of the dispute before the Mediation and Conciliation Centre of this Court. It is affirmed that an FDR of ₹1,00,000/- in favour of the minor child has been received by the complainant. She undertakes that the same shall not be encashed till the child attains majority. The interest be permitted to be used by her for the welfare of the child.

Learned counsel for the State, on instructions from HC Joga Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case. Recoveries have been effected from the petitioner.

There are no allegations on behalf of the State that the petitioner is

likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 19.04.2017 is made absolute.

Needless to say, the deposit of the amount of ₹2,00,000/- by the petitioner in favour of the minor child shall be without prejudice to his rights. The FDR's be not encashed till the child attains majority, though the interest thereon can be used by the complainant for the welfare of the child.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 19 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No