

Criminal Misc. No. M- 1142 of 2016 (O&M)

Date of decision : February 21, 2018

Hardeep Kumar

.....Petitioner

Versus

State of Punjab and another

....Respondents

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

Ms. Seena Mand, DAG, Punjab.

Mr. Kuldeep Singh, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 198 dated 10.12.2015 under Section 406/498A IPC registered at Police Station Sultanpur Lodhi, District Kapurthala.

It is submitted that the petitioner has been falsely implicated in this case. No demand of dowry etc. was ever raised by the petitioner or any of his family members. In fact, the complainant wished for a separate residence and did not want to reside in the joint family. Accordingly, to maintain peace and harmony, the kitchen of the complainant and the petitioner was separated but still she could not adjust and wanted a separate residence from the joint family. However, the same was not possible. Moreover, it is wrongly mentioned that any mis-information was given to the complainant at the time of marriage. The petitioner was 37 years old at the time of marriage and the complainant was 34. It was made clear, at the very outset, that the petitioner, who had earlier gone to England

in the year 2000, had been deported in August 2012 and he could not get permanent residency there. Allegations of demand of dowry etc. in the FIR or of ill-treatment, harassment meted out to the complainant are absolutely incorrect. The petitioner had expressed his desire to amicably resolve the matter with the complainant. The matter was referred to the Mediation and Conciliation Centre of this Court. However, mediation was unsuccessful. The petitioner, it is submitted, has joined investigation and undertakes to face proceedings. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that there are specific allegations of ill-treatment and harassment to the complainant. It is, however, not denied that mediation between the parties has failed. It is affirmed that a sum of ₹30,000/- to be deposited by the petitioner vide order dated 13.01.2016 in favour of the complainant, has been received by her.

It is noticed that as per the report of the Mediator, the matter was postponed thrice at request of the complainant but she did not turn up even for a single session, after extension of time granted for mediation by this Court. The complainant requested for the matter to be sent back for adjudication.

Learned counsel for the State, on instructions from HC Balwant Singh, verifies that the petitioner has joined investigation and out of the list of five articles, three have been recovered.

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 in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 13.01.2016 is made absolute.

February 21, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No