

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

Criminal Misc. No.M-14828-2017 (O&M)

Date of Decision: May 09, 2018.

MAHESH KUMAR

..... PETITIONER

Versus

STATE OF PUNJAB AND ANR.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. D.S. Bhinder, 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.12 dated 28.03.2017, under Sections 406, 498-A, 354, 506, 34 IPC, registered at Police Station Women Cell, Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the parties have amicably resolved their dispute before the Mediation and Conciliation Centre of this Court on 15.03.2018. Settlement/agreement dated 15.03.2018 is attached with the file. Petition under Section 13-B of the Hindu Marriage Act, 1955 has

been filed by the petitioner and respondent No. 2. A sum of Rs.6 lakhs has been handed over to respondent No. 2. Their statements at first motion have been recorded. The petitioner, it is submitted, undertakes to abide by the terms and conditions of the settlement and specifically undertakes to hand over rest of the settled amount at the time of the recording of the statements of the parties at second motion. It is, thus prayed that this petition be allowed.

Petitioner, who is present in Court submits that he shall withdraw all/any complaints or any litigation which has been initiated by him against respondent/complainant and her family members within one week from today.

Respondent No. 2, duly identified by her counsel, is present in Court. She verifies and affirms the factum of settlement arrived at between the parties as well as filing of the petition under Section 13-B of the Hindu Marriage Act, 1955 and receipt of Rs.6 lakhs. It is submitted that respondent No.2 has no objection in case this petition is allowed, subject to the petitioner strictly adhering to the terms and conditions of the settlement.

Learned counsel for the State, on instructions from ASI Harinder Singh, verifies the factum of settlement arrived at between the parties. He further submits that the petitioner has joined investigation and is not involved in any other criminal case.

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 01.05.2017 is made absolute.

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.

May 09, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No