

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23305 of 2017(O&M)

Date of Decision: 01.02.2018

Simranjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Rahul Rampal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. B.S.JAswal, Advocate
for respondent no.2.

LISA GILL, J (Oral).

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 20 dated 26.05.2017, under Sections 406, 498-A IPC and Section 65, 66-D of Information Technology Act, 2000, registered at Police Station Women Cell, District Amritsar.

It is informed that the matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court on 15.12.2017. It is submitted that though, it is mentioned in the said agreement that petition under Section 13-B of the Hindu Marriage Act, 1955, shall be filed on or before 22.12.2017, it has been decided between the parties that the said petition shall be filed within a week after 10.04.2018.

A cheque dated 30.01.2018 of ₹1.5 lakh in favour of respondent no.2

has been handed over to respondent no.2, who is present in Court, duly identified by her counsel, even though it was decided that the said amount shall be handed over to respondent no.2. at the time of recording of statements of the parties at first motion in a petition under Section 13-B of the Hindu Marriage Act, 1955. Photocopy of the said cheque is taken on record subject to just exceptions.

Similarly, custody of the minor child was to be handed over to the petitioner at the time of recording of their statements at first motion in a petition under Section 13-B of the Hindu Marriage Act, 1955, but the child's custody has been handed over to the petitioner today in Court itself.

Petitioner undertakes to take care of the child and ensure that the child's custody is not transferred to any other person. Both the petitioner and respondent no.2 present in Court, undertake to abide by the terms and conditions of the settlement.

Respondent no.2, states that she has no objection in case this petition is allowed subject to strict adherence to the terms and conditions of the settlement by the petitioner.

Learned counsel for the State, on instructions from HC Harpal Singh, 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 in 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.

In the event of arrest of the petitioner, he be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

Liberty is however afforded to respondent no.2 to move an appropriate application in this matter in case the terms and conditions of the settlement between the parties are not adhered to by the petitioner.

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.

01.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.