

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

Criminal Misc. No.M- 35988 of 2016(O&M)

Date of Decision: February 27 , 2018.

Sushant Nanda PETITIONER (s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. H.S.Randhawa, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Naresh Gopal Sharma, 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.194 dated 05.09.2016 under Sections 406/498A IPC, registered at Police Station Shahkot, Jalandhar.

As per the allegations in the FIR, marriage between the petitioner and the complainant/respondent No.2 was solemnized on 05.05.2007. Adequate dowry was given to the petitioner and his family members. Allegations of ill-treatment and harassment at their hands is alleged. Three children were born out

of this wedlock. It is mentioned that a compromise was effected on 07.07.2014 (Annexure P5), but the petitioners backed out of the same. The present FIR was registered on 05.09.2016.

Learned counsel for the petitioner argues that the present FIR has been registered due to temperamental differences between the petitioner and respondent No.2. Terms and conditions of the compromise (Annexure P5) were carried out regarding the separate house in which the petitioner and respondent No.2 were to reside together alongwith their minor children. Even during the pendency of this petition, it was offered by the petitioner's father that the said house constructed over 8 marlas of land would be transferred in favour of the petitioner and his wife, the complainant/respondent No.2. The keys of the said house were handed over to respondent No.2 on 01.05.2017 before this Court. However, respondent No.2 expressed her reservations regarding resumption of matrimonial ties. It is submitted that the petitioner in order to show his bonafides has executed three FDRs to the tune of ₹2,00,000/- each in favour of three minor children without prejudice to his rights with a rider that they may not be encashed till the children attain majority. It is submitted that the petitioner 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 respondent No.2 has not raised any serious objection. The keys of the house mentioned above have been handed back by respondent No.2 to the petitioner in Court today. Petitioner and respondent No.2 are duly identified by their counsel. Three original FDRs i.e., of

₹2,00,000/- each in favour of the minor children as noted above have been handed over to respondent No.2.

Photocopies of the said FDRs are taken on record subject to just exceptions. Needless to say, the said FDRs stand deposited by the petitioner without prejudice to his rights.

Learned counsel for the State, on instructions from HC Avtar Singh, verifies 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 17.10.2016 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.

February 27 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No