

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

Criminal Misc. No.M- 38282 of 2017(O&M)

Date of Decision: May 29 , 2018.

Manjit Singh

..... PETITIONER (s)

Versus

Karamjit Kuar and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

None for respondent No.1.

Ms. Ruchika Sabharwal, AAG, Punjab
for 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.

The petitioner prays for bail pending trial in complaint No.05 dated 03.02.2012, under Sections 498A/406/506/148/149/120B IPC titled as 'Karamjit Kaur v. Manjit Singh and others', pending in the court of Sub Divisional Judicial Magistrate, Talwandi Sabo.

It is submitted that the petitioner has been falsely implicated in the abovesaid complaint. Marriage between the petitioner and the complainant was solemnized out of their own wishes and was a simple ceremony. The complaint in

question was lodged by the petitioner's wife for reasons best known to her as the petitioner has always ready & willing for resumption of matrimonial ties/an amicable resolution of the dispute. However, the complainant/respondent No.1 did not come forward. The petitioner was afforded interim bail by this Court to make efforts for an amicable resolution of the dispute, but respondent No.1 again did not come forward. It is submitted that the petitioner has not abused the concession of interim bail till date. Learned counsel for the petitioner further contends that the petitioner was in custody for nearly five months and is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

It is noticed that the petitioner was afforded the concession of interim bail vide order dated 21.12.2017 till 17.02.2018 to enable the parties to resolve the differences. The matter was placed before the Mediation and Conciliation Centre of this Court as it was specifically expressed by learned counsel for the petitioner and respondent No.1 that possibility of an amicable resolution of the dispute needs to be explored. Extension of time sought by the Mediator was granted on 16.02.2018 till 17.04.2018. Interim bail afforded to the petitioner was extended. The matter was adjourned to 16.04.2018. Following order was passed on 16.04.2018:-

“As per report of the Mediator, effective mediation could not take place due to absence of respondent No.1, despite notice issued to her thrice.

At first call the matter was passed over on request on behalf of

learned counsel for respondent No.1. However, when the matter was taken up at second call, none has appeared on behalf of respondent No.1.

In the interest of justice, adjourned to 21.05.2018.

Interim bail afforded to the petitioner shall enure till 22.05.2018.

Learned counsel for respondent No.1 be notified of the date fixed in this case.”

However, none appeared on behalf of respondent No.1 on 21.05.2018. This case was adjourned for today and it was again directed that counsel for respondent No.1 be notified of the date fixed. As per office note, learned counsel for respondent No.1 has been informed telephonically of the date fixed on his mobile number reflected on the power of attorney. It appears that respondent No.1 is not interested in any kind of settlement, at this stage.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Interim bail afforded to the petitioner in terms of order dated 21.12.2017 passed by this Court is made absolute subject to his furnishing fresh bail bonds and surety to the satisfaction of the learned Trial Court.

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 29 , 2018.
'om'

(LISA GILL)
JUDGE

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