

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43327 of 2016(O&M)

Date of Decision: 21.02.2018

Rakesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Pryanshu Kamra, Advocate
for Mr. C.M.Munjhal, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr.Ramesh Sharma, Advocate
for respondent no.2.

LISA GILL, J (Oral).

Petitioner seeks the concession of anticipatory bail in FIR No.86 dated 22.10.2016, under Sections 406, 498-A IPC, registered at Police Station Sadar Abohar, District Fazilka.

It is submitted that the petitioner has been falsely implicated in this case. All the allegations of ill-treatment or harassment meted out to the complainant are absolutely incorrect. Marriage in question was a simple affair. Moreover, it is wrongly mentioned that the complainant was turned out of the matrimonial home. She herself left the matrimonial home while leaving the minor child behind. The child is being looked after by the petitioner. Moreover, the petitioner is regularly paying the maintenance and

in view of his undertaking before this Court on 12.12.2017, he has facilitated the meeting of the minor child with respondent no.2 on the 2nd and 4th Saturday of each month. Final report under Section 173 Cr.P.C., it is submitted has since been presented. The prosecution evidence is being led. The petitioner, it is submitted has joined investigation and undertakes to face the proceedings. The petitioner further undertakes to facilitate the meeting of the mother with the minor child as well as deposit the maintenance assessed without prejudice to his rights. The petitioner agrees and undertakes to facilitate the meeting of the minor child with respondent no.2 on 2nd and 4th Sunday (instead of Saturday) of each month at Nehru Park, Abohar or any other place which may be mutually agreed upon from 3.00 p.m. to 6.00.p.m. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition but it is not denied that entire arrears of maintenance have been cleared by the petitioner and the same are being paid regularly. The petitioner, it is admitted has facilitated the meeting of the minor child with the complainant on second and fourth Saturday of each month and she wishes to meet the minor child on the 2nd and 4th Sunday of each month. Mediation between the parties has failed.

Learned counsel for the State, on instructions from HC Mohan Lal, verifies that the petitioner has joined investigation and is not involved in any other criminal case. Final report under Section 173 Cr.P.C., has since been presented.

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 of the case, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 05.12.2016, 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.

21.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.