

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

1. Criminal Misc. No.M- 45439 of 2016(O&M)
Date of Decision: May 08 , 2018.

Vicky PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

2. Criminal Misc. No. M- 45378 of 2016(O&M).

Sharda Devi and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kawaljyot Singh, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Sandeep Arora, 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.

This order shall dispose of CRM No.M-45439 of 2016 (Vicky v.
State of Punjab and another) and CRM No.M-45378 of 2016 (Sharda Devi and
others v. State of Punjab and another).

CRM No.M-45439 of 2016 has been filed by the petitioner – Vicky (husband of the complainant) and CRM No.M-45378 of 2016 has been filed by the petitioners – Sharda Devi (mother-in-law of the complainant), Sunny (brother-in-law of the complainant) and Laddi @ Shama (sister-in-law of the complainant). Petitioners in both the petitions seek the concession of anticipatory bail in FIR No.150 dated 14.11.2016 under Sections 406/498A IPC, registered at Police Station Women Cell, District Jalandhar.

Learned counsel for the petitioners submits that a sum of ₹1,50,000/- has since been handed over to respondent No.2. However, she has not come forward for filing of the petition under Section 13B of the Hindu Marriage Act, 1955 seeking divorce by mutual consent. Learned counsel for the petitioners contends that otherwise also no offence punishable under Sections 406/498A IPC is made out against the petitioners. The petitioners, it is submitted, have joined investigation and they undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. The petitioners further undertake to abide by the terms and conditions of the settlement arrived at between the parties, in case respondent No.2 come forward for performing her part of the agreement. Therefore, it is prayed that both these petitions be allowed.

It is noted on 20.12.2017 in CRM No.M-45439 of 2016 that the petitioner and the complainant, duly identified by their counsel, came present in Court. It was informed that they have decided to part ways. A sum of ₹4.5 lakhs was agreed to be handed over to respondent No.2 in lieu of all her claims – past, present and future. Petition under Section 13B of the Hindu Marriage Act, 1955,

it was stated, would be filed by the parties.

The matter was adjourned as there had been no representation on behalf of respondent No.2 on two occasions. Thereafter, Mr. Sandeep Arora, Advocate on 04.05.2018 sought time to seek instructions from his client -respondent No.2. Today, Mr. Arora submits that he was unable to contact his client despite best effort neither has his client contacted him and he has no instructions in this matter.

It was duly noted by this Court on 28.03.2017 in CRM No.M-45439 of 2016 that the petitioner has joined investigation. There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Handing over of ₹1,50,000/- in terms of the agreement to the complainant/respondent No.2 is not in dispute.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, both the petitions are allowed. Consequently, order dated 09.01.2017 in CRM No.M-45439 of 2016 as well as order dated 19.12.2016 in CRM No.M-45378 of 2016 are 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 petitions.

May 08 , 2018.
'om'

(LISA GILL)
JUDGE

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