

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

Crl. Misc. M-5280 of 2017 (O&M)
Date of Decision: August 21, 2018

Gurpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Ms. Seema Mand, DAG Punjab.

Mr. Anil Kumar Garg, Advocate
for the complainant/respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.159 dated 05.12.2016, under Sections 498-A, 406, 120-B of the Indian Penal Code, registered at Police Station Bhawanigarh, District Sangrur.

During the pendency of the proceedings before this court on 23.04.2018, the matter was compromised between the parties. Pursuant to the said compromise, a sum of ₹ 3 lacs had been handed over to complainant/respondent No.2 and the custody of the minor child Harpreet

Singh had been handed over to the petitioner. Further, a decree of divorce under Section 13-B of Hindu Marriage Act had also been granted on 07.07.2018. It is also stated that other conditions of the compromise incorporated in the order dated 23.04.2018 have also been complied with.

Thereafter on 19.07.2018, a miscellaneous application (CRM-23899-2018) has been preferred by the complainant seeking direction to the petitioner to produce and hand over the custody of the minor child, while alleging that the petitioner is in the process of selling the minor child, which fact has been denied. During the pendency of the aforesaid miscellaneous application, the parties were referred to the Mediation and Conciliation Centre of this court for amicable resolution to the dispute, which has been successful. As per Settlement/Agreement dated 21.08.2018, the petitioner has agreed to hand over the custody of the minor child Harpreet Singh to the complainant, apart from incorporating other conditions.

Learned counsel both the petitioner and the complainant submit that since the matter stands compromised between the parties, the present petition should be disposed of.

I have heard learned counsel for the parties.

The custody of the minor child has been handed over to the mother, who is also present in the court. In view of the facts that the matter stands compromised between the parties, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 17.02.2017 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure. However, the parties shall remain bound

by the terms of the compromise arrived at between them.

August 21, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

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