

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39694 of 2017

Date of Decision: 31.01.2019

Pankaj Sharma

...Petitioner(s)

Versus

The State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Gourav Goel, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Jaideep Verma, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.75 dated 11.09.2017 under Sections 406/498A IPC registered at Police Station Women, District Ludhiana.

On October 25, 2017, notice of motion was issued in the case subject to payment of Rs.25,000/- to respondent no.2 towards litigation expenses and the proposal of arrest of the petitioner, if any, was ordered to be stayed, so as to have recourse to the mediation proceedings and accordingly, the matter was referred to the Mediation and Conciliation Centre of this Court.

However, as per the report dated 01.03.2018 of the Mediation and Conciliation Centre, the parties have failed to settle their dispute. Accordingly, vide order dated 28.08.2018, the petitioner was directed to join investigation and in the event of his arrest, interim bail was granted to him to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged under Section 438(2) CrPC. On 28.08.2018, the petitioner had brought three gold rings in Court, which were taken to the police station as well, but the complainant refused to take those rings on the ground that these are not the rings which were given to the petitioner and his family at the time of marriage.

Accordingly, counsel for the petitioner has brought a sum of Rs.35,000/- and handed over the same to the complainant, who is present in Court and has been recognized by her counsel.

Learned counsel for the complainant has argued that the petitioner is in arrears of maintenance in the proceedings under Section 24 of the Hindu Marriage Act and the matrimonial proceedings are fixed for 04.04.2019.

Learned counsel for the petitioner, on instructions from Mr. Brij Mohan Sharma (father of the petitioner – Pankaj Sharma) undertakes to clear the outstanding maintenance in the matrimonial proceedings before the Family Court on the adjourned date.

Learned State counsel, on instructions from ASI Tarsem Chand, submits that the petitioner has joined the investigation and the household articles have been recovered during investigation and the custody of the petitioner is no more required.

I have heard learned counsel for the parties.

Considering the fact that the petitioner has joined investigation and his custody is no more required, the present petition is allowed and the interim order dated 28.08.2018 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

Needless to say that in the matrimonial proceedings, the petitioner shall clear the outstanding maintenance amount on the date fixed or any date as directed by the Family Court.

January 31, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No