

CRM-M-6960-2018

Date of Decision : 26.04.2019

Rajinder Pal Singh

.....Petitioner

versus

State of Punjab and another

....Respondents

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH****Present:** Petitioner in person.Mr. A.S. Sandhu, Addl.A.G., Punjab  
for respondent No.1-State.

Respondent No.2 in person.

**FATEH DEEP SINGH, J. (ORAL)**

The members of the Bar are abstaining from work today.

Petitioner-Rajinder Pal Singh, in compliance of the settlement arrived at before this Court on 03.04.2019, has handed over a demand draft bearing No.252858 dated 17.04.2019 for an amount of ₹3 lakh drawn on Bank of Baroda favouring respondent No.2-Gaganjot Kaur, which has been received by respondent No.2/wife (copy of which has been placed on the record) as a part payment towards full and final settlement.

The wife has made a statement that she is satisfied with this settlement and she accepts this amount as full and final settlement of her claims, against the petitioner/husband, arising out of this marriage. Both the

parties have agreed that this settlement would not come in the way of the minor daughter of the couple and she will be at liberty to exercise her legal rights.

Let arguments be heard.

This order shall dispose off first anticipatory bail application filed by petitioner/husband-Rajinder Pal Singh under Section 438 Cr.P.C in a case bearing FIR No.50 dated 24.08.2017 filed under Sections 406 and 498-A of the Indian Penal Code registered at Police Station Women, Amritsar City, District Amritsar.

The allegations levelled by the complainant/wife are that the marriage took place between the couple on 16.11.2012 and out of this wedlock, a daughter was born to them on 29.03.2013, namely, Ashreet Kaur, whose age is now 06 years. The complainant has alleged that at the time of her marriage, her parents had given sufficient dowry articles but the accused/petitioner was not happy with the same and has mentally and physically abused her and threw her out of matrimonial home when she did not fulfill the demands of more money and costly articles which led to the registration of the present case.

The petitioner states that he has settled the dispute with his wife and has paid her claim for permanent alimony as full and final settlement today, in the Court, and thus, nothing is to be recovered.

The complainant/wife has submitted that since she has entered into a settlement with the petitioner/husband and does not oppose the grant of bail and has no objection, if the present petition is allowed.

The learned State counsel, on instructions from SI Tarsem Singh, Police Station Women, Amritsar, though does not displace the fact brought to the notice of this Court and has shown his resolve that in case, the parties have effected a settlement, the State does not object it being a personal matrimonial dispute.

Appreciating the submissions, the parties have effected a settlement whereby the petitioner/husband had given sufficient amount as permanent alimony, which includes the expenses, incurred at the wedding including the *Istridhan* and thus, in light of this settlement and the offences for which the petitioner has been hauled up, nothing remains to be recovered from him and it would be a travesty of justice by sending the petitioner behind the bars.

In light of this arrangement, the present petition is allowed. Petitioner-Rajinder Pal Singh would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On his doing so, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

**26.04.2019**  
*Neha*

**(FATEH DEEP SINGH)**  
**JUDGE**