

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27001 of 2019
Date of Decision: 10.07.2019

Amandeep Mittal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

Mr. Kanwal Jeet Singh Brar, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 113 dated 20.05.2019 registered for offences punishable under Sections 326 and 323 of Indian Penal Code (for short, "IPC") at Police Station Civil Lines Bathinda, District Bathinda.

Heard.

It is a case of dispute between husband and wife. As per allegations in the FIR, serious injuries were caused to complainant-wife by the petitioner.

With the intervention of learned counsel representing both the parties i.e. petitioner and complainant, attempt has been made for amicable settlement of the dispute, which is, however, not possible at this stage. It has, however, been agreed by learned counsel for the petitioner that an

amount of ₹10 lakhs will be paid to complainant at this stage as she is

spending a lot of amount on her treatment. Out of this amount a sum of ₹5 lakhs will be paid to her within three days. Remaining amount will be paid by the petitioner in next six weeks.

Learned counsel for the complainant has no objection if the bail is allowed to the petitioner on the above terms.

Learned State counsel submits that it is a matrimonial dispute and attempt for amicable settlement is always welcomed in such type of cases.

In view of above, petitioner-Amandeep Mittal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.
- (d) Before furnishing and acceptance of bail bond and surety bond, petitioner will transfer a sum of ₹5 lakhs in the account of complainant or deposit a demand draft in the name of complainant in Court, which on deposit will be

handed over to complainant. Only on compliance of above condition his bail bond and surety bond shall be accepted.

- (e) Remaining amount of ₹5 lakhs will be paid by the petitioner within six weeks of first payment by depositing the same in the account of complainant or depositing a demand draft in her name in the Court under intimation to complainant and Illaqa/duty Magistrate.
- (f) In the event of failure to deposit of above amount within the stipulated time, the petitioner will forfeit the right of bail allowed to him and shall be taken into custody forthwith without seeking any further clarification from this Court. In such event he will apply for the regular bail before this Court only.

July 10, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No