

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

CRM-M-36290 of 2019.

Decided on:- December 19, 2019.

Kulbir Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. J.S. Mahal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.66 dated 22.06.2019 under Sections 498-A and 406 IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur.

It being a matrimonial dispute and considering the statement made by learned counsel for the petitioner that the petitioner is ready to settle the dispute with his wife, the matter was referred to the Mediation and Conciliation Centre of this Court vide order dated 02.09.2019 passed by this Court.

Vide report dated 10.12.2019, the Mediator has sent the case back to this Court with a request for extension of time.

On 13.12.2019, learned counsel for the petitioner made a statement that the petitioner is ready to take his wife to the matrimonial home. Thereafter, the case was adjourned to 16.12.2019 and on that date, the following order was passed by this Court:

“On 13.12.2019, counsel for the petitioner had submitted that the petitioner is ready to take his wife to the matrimonial home.

At this state, counsel for the petitioner states that he has no instructions in the case as he is not able to contact with the petitioner.

Adjourned to 19.12.2019.

Be shown in the urgent list.

On the adjourned date, petitioner is directed to remain present in the Court.

The I.O., who is present in the Court, shall inform the petitioner about the date fixed.”

Pursuant to the aforesaid order dated 16.12.2019, the petitioner is present in Court and has reiterated his stand to take his wife to the matrimonial home or to a rented accommodation, so that they can stay together as husband and wife. This offer is duly accepted by the complainant, who is also present in Court.

In view of the fact that the petitioner has shown his eagerness to take his wife along with him in the matrimonial home or to a rented accommodation and the complainant-wife has also agreed to accompany the petitioner, the present petition is allowed and the interim order dated

02.09.2019, whereby arrest of the petitioner was stayed by this Court, is made absolute.

Further, in case the petitioner is required in the case in any manner, a clear 15 days notice shall be served upon him.

It is made clear that in case the petitioner fails to take his wife to the matrimonial home or to a rented accommodation or the complainant is still aggrieved with him, she would be at liberty to approach the local police authority and if still need be, to seek revival of the present petition.

December 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No