

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

CRM-M No.44033 of 2019
Date of decision: 23rd October, 2019

Pankaj Aggarwal

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for respondent No.1/State.

Respondent No.2 and her father/complainant in person with
Mr. Hitesh Sood, Advocate.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Pankaj Aggarwal, who happens to be ex-husband of daughter of the complainant, has sought grant of regular bail in this second application under Section 439 Cr.P.C. in case bearing FIR No.50 dated 02.05.2019 under Section 376 IPC pertaining to Police Station Mahilpur, District Hoshiarpur. Present case was got registered on the allegations that marriage between the petitioner and daughter of the complainant was solemnized on 04.12.2003 and the couple resided together for a period of almost 15 years and out of which they were bestowed with two children. On account of matrimonial dispute, the present case has been got registered in which the petitioner is behind bars since 02.05.2019.

Learned counsel for the petitioner Mr. Harish Aggarwal, Advocate inter alia contends that it was a pure matrimonial dispute in which there were multiple litigations and the parties have now sorted out their dispute, and has placed reliance on the affidavit of daughter of the complainant namely Isha Aggarwal to that effect.

On behalf of the State, Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab has not disputed the factual proposition and rather the learned counsel for the complainant has produced the deponent Isha Aggarwal who has made statement before this Court that on account of her settlement with the petitioner being a pure matrimonial dispute, she has no objection if bail is allowed to the petitioner, to which learned State counsel too has no objection.

Appreciating the arguments of the two sides, petitioner is behind bars for more than five months. In the light of no objection made by the victim, this Court is of the opinion that it is a fit case to allow bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 23, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No