

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2680-2020 (O&M)
Date of decision: 27.01.2020

Malkiat Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Aujla, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.81 dated 19.12.2019 under Sections 365, 34 IPC, registered at Police Station Purana Shalla, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Sandeep Kaur-wife of the petitioner, her marriage was solemnized with the petitioner about 11 years ago and for the last about 01 year, she is residing separately along with her two sons aged 09 years and 05 years, who are studying in a school at Nawan Shalla. On 19.12.2019, when she was going to drop her children to school on scooter, a Innova car came from the backside, in which four persons were sitting. They stopped the car near to her scooter, three persons came out of the car and forcibly took away both of her children. The petitioner-husband of the complainant was also sitting in the said car. It is further submitted that in fact, it is a matrimonial dispute between the petitioner and the complainant and a compromise is already

effected between them on 31.12.2019, qua which complainant Sandeep Kaur has given an affidavit that the matter has been compromised. Learned counsel further submits that the petitioner is not involved in any other case; he is in custody since 19.12.2019 and both the children are residing with complainant Sandeep Kaur.

Learned State counsel, on instructions from ASI Daljeet Singh, has not disputed the factual position. However, it is stated that the Investigating Officer is not aware about the compromise effected between the parties.

After hearing learned counsel for the parties, considering the fact that it is own case of the complainant that she is residing separately for the last about 01 year from her husband-petitioner and is in custody of both the children and also in view of the fact that a compromise is effected between the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

It is made clear that in case the petitioner, without prior permission of the competent Court of law, tries to take forcible custody of the children, it will be open for the complainant to move an application for cancellation of bail.

The observations made in this order shall have no bearing on merits of the case.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.01.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No