

## HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-15068-2020 (O&amp;M)

Date of Decision: 15.06.2020

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Satpal Singh

... Petitioner

VS.

State of Punjab

... Respondent

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CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

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Present: Ms. Riffi Birla, Advocate for the petitioner  
Ms. Rashmi Attri, AAG, Punjab  
Mr. Neeraj Madan, Advocate for the complainant

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**GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Satpal Singh filed the present petition *inter alia* praying for anticipatory bail in case FIR No.13 dated 23.02.2020 under Sections 406/498-A IPC registered at PS Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner based upon the pleadings submits that in fact the petitioner is ready to settle the matter. She states that the husband has filed a petition for restitution of conjugal rights.

Notice of motion.

On the asking, Ms. Rashmi Attri, AAG, Punjab accepts notice on behalf of the State and Mr. Neeraj Madan, Advocate accepts notice on behalf of the complainant, through video conferencing.

On a question put by the Court, learned counsel for the complainant submits that approximately, Rs.15 lakhs or even more were spent on the marriage. He further submits that a petition under Section 125 for maintenance has been filed by the wife but the interim maintenance is yet to be fixed.

Learned counsel for the petitioner submits that because of COVID situation also, retaining of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this anticipatory bail petition is disposed of with a direction to the petitioner to join the investigation and appear before the Investigating Officer. The petitioner is further directed to pay arrears of maintenance to be calculated @ Rs.5000/- per month w.e.f. 01.05.2019 i.e. approximately the date w.e.f. which the parties are stated to be living separately, till date. The said arrears be paid in two instalments; the half of the same within 15 days from today and the remaining amount within 15 days thereafter. The petitioner shall continue paying Rs.5000/- per month as interim maintenance to the wife between 1<sup>st</sup> to 7<sup>th</sup> of every month.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC.

Needless to say that this is only an interim arrangement of maintenance and the court hearing the maintenance petition may not be influenced by the present order.

It is made clear that the prosecution or the complainant, if the situation so arises that the petitioner is not cooperating in the investigation, may apply for cancellation of bail.

The petition stands disposed of accordingly.

**15.06.2020**

*vishal shonkar*

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

*Yes/No*  
*Yes/No*

**(Girish Agnihotri)**  
**Judge**