

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

**CRM-M-17059 of 2020**

**Date of decision : 07.12.2020**

Harpreet Singh .....Petitioner

Versus

State of Punjab & Anr. .....Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Vipin Mahajan, Advocate for the petitioner

Ms. Jaspreet Kaur, AAG Punjab

Mr. Gurjeet Singh Kaura, Advocate for respondent No.2

**ALKA SARIN, J.**

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.60 dated 17.06.2020 registered under Sections 336, 452, 506, 34 of the Indian Procedure Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Qadian Police District, Batala, District Gurdaspur, Punjab.

It is averred in the petition that there are matrimonial issues between respondent No.2 (complainant) and the petitioner. There are two children out of the wedlock – a daughter Shubhreet Kaur and a son Karanpartap Singh also known as Kesar Pal Singh. Respondent No.2 has been

residing separately from the petitioner for the last two years and the two minor children are also with her. Proceedings under the Guardians and Wards Act, 1890 regarding custody of the minor children are pending. The petitioner is stated to be an Advocate while respondent No.2 is a Government Teacher.

As per the FIR, on 17.06.2020 at around 12.30 pm the petitioner came to the house of respondent No.2 in his car with four more persons. The petitioner came out of the car carrying a revolver and went to the children's room and asked his son (Kesar Pal Singh) to accompany him. However, the son did not agree whereupon the petitioner is stated to have forcibly picked him up and put him in his car. The respondent No.2 came in front of the car and raised an alarm. On hearing the noise people came to the spot and the petitioner fired two shots from the revolver to scare them. On seeing people gathered at the spot the petitioner let his son out of the car and fled.

On 30.06.2020, the counsel for the petitioner stated *inter-alia* that the petitioner was ready to settle the matter with respondent No.2. Notice of motion was issued and respondent No.2 as well as her counsel was also heard. Since this is a matrimonial dispute and the lives of two minor children are involved, the Court referred the matter to Mediation while asking the petitioner to deposit an amount of Rs.75,000/- in the bank accounts of each of the children towards their maintenance and to show his *bonafides*. Interim protection was granted to the petitioner.

On 17.08.2020, the Court expressed its dismay on the report submitted by the Mediator. The counsel for respondent No.2 stated that after the order of this Court dated 30.06.2020 granting interim anticipatory bail to

the petitioner, the petitioner instead of trying to amicably settle the matter had got registered DDR bearing No.34 dated 01.08.2020. The counsel for the petitioner, on instructions from the petitioner who was present with him, stated that he would not be pressing DDR No.34 dated 01.08.2020. The matter was again referred to an experienced Mediator at Gurdaspur to look into the matter and explore the possibility of an amicable settlement between the parties.

The Mediation proceedings bore no fruit. On 11.11.2020, vide CRM-26953-2020, the counsel for the petitioner placed on record an affidavit dated 28.10.2020 of the petitioner along with Annexures P-6 and P-7 wherein it has been stated that the DDR (DDR No.34) has since been withdrawn on the statement made by the petitioner and the petitioner also undertook that till the matter regarding the custody of the children is pending before the Family Court, Batala, the petitioner would not approach respondent No.2 and the minor children without prior orders from the concerned Court.

The State counsel had on 29.09.2020 informed the Court that the petitioner has since joined the investigation. The petitioner has deposited Rs.1,50,000/- towards the maintenance of each of his two children (Rs.75,000/- per child). He has withdrawn the DDR which was lodged by him and has also undertaken not to approach respondent No.2 or the minor children without orders from the concerned Court.

In view of the above, the order dated 30.06.2020 granting interim anticipatory bail to the petitioner is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code

of Criminal Procedure, 1973. The petitioner shall also abide by the undertaking given by him and mentioned above.

Disposed off accordingly.

**( ALKA SARIN )  
JUDGE**

**07.12.2020**

*parkash*

**NOTE: Whether speaking/non-speaking: Speaking**

**Whether reportable: YES/NO**