

S.No.101

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

CRM-M-26878 of 2020 (O&M)

Date of Decision:17.09.2020

Amandeep

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.24 dated 18.02.2020 registered under Sections 498-A, 406 and 323 IPC at Police Station Tanda, District Hoshiarpur.

It is contended by counsel for the petitioner that the case against the petitioner had emerged out of some misunderstanding between the parties. However, now the parties have settled the dispute between them. As per the compromise, the parties have also filed a mutual divorce petition before the Family Court. Even the statement of First Motion has been recorded. Therefore, the petitioner does not deserve to be arrested in this case.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of the State. Ms. Sarika Gupta, Advocate appears for the complainant.

Learned State Counsel, on instructions from ASI Maninder

Kaur, has submitted that there are specific allegations against the petitioner. The investigation is at the initial stage. Therefore, the petitioner does not deserve any concession of anticipatory bail.

Learned counsel appearing for the complainant has also submitted that the complainant had lodged the complaint only by raising her grievance. However, she has not disputed that now the parties have settled the dispute and also filed divorce petition under Section 13-B of the Hindu Marriage Act. Still further, it is submitted that the complainant does not have any objection to the grant of anticipatory bail to the petitioner, however, to ensure that the petitioner is not able to flee from country, his passport be impounded by the Court.

As response to this, learned counsel for the petitioner has submitted that he has no objection in submitting his passport before the appropriate Court. Still further, he has submitted that the petitioner undertakes not to leave the country without prior permission of the Court.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Still further, it is submitted that the petitioner shall deposit his

passport with the concerned Matrimonial Court where the divorce petition filed by the parties is pending, to be returned at the time of passing of final decree of divorce. The Investigating Officer of the case shall release the petitioner on bail only after the petitioner produces before him the proof of having deposited his passport before the concerned Court, as ordered above.

September 17, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No