

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-25528 of 2019

Date of Decision: 10.01.2020

Gurwinder Singh

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Parminder Kaur, Advocate for
Mr. Kanwar Pahul Singh, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Petitioner, who is husband of Silkjit Kaur, respondent no.2, has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.62 dated 04.05.2019 under Sections 406/498-A/34 IPC registered at Police Station Kathunangal, Amritsar, District Amritsar.

On 31.05.2019, since the petitioner had shown his readiness to take his wife with him, his arrest was stayed and the matter was referred to the Mediation and Conciliation Centre of this Court. Pursuant thereto,

report dated 08.11.2019 of the mediator has been received, wherein it has been reported that no settlement could be reached between the parties.

Thereafter, on 15.11.2019, this Court passed the following order:-

“Pursuant to the order dated 14.11.2019 passed by this Court, a sum of Rs.10,000/- has been paid by the petitioner to the respondent No.2, who is present in Court.

Parties have been interacted and they have shown their inclination to stay together as husband and wife.

Adjourned to 10.01.2020.

Meanwhile, the petitioner will go to the parental home of respondent No.2 at village Kathu Nangal on 17.11.2019 and on the same day in the evening, will take her to the matrimonial home.”

Counsel for the petitioner has submitted that in terms of order dated 15.11.2019, the petitioner and respondent no.2 are staying together as husband and wife and respondent no.2 has no complaint against the petitioner or his family members.

Learned State counsel, on instructions from SI Rashpal Singh, submits that during the pendency of the present petition, statement of father of the complainant has been recorded, wherein he has stated that his daughter Silakjit Kaur, who initially had differences with her husband and in-laws, is staying happily in her matrimonial home.

However, learned counsel for respondent no.2-complainant has shown some apprehension in her mind, saying that though the complainant is staying with the petitioner, but she is not comfortable with him.

Having heard learned counsel for the parties and noticing the contention of learned counsel for the petitioner, wherein it is stated that the petitioner and complainant are staying together happily without any complaint whatsoever, the order dated 31.05.2019, whereby the arrest of the petitioner was stayed, is hereby made absolute. In case the petitioner is required in the case, a clear 15 days notice be given to him.

However, it is made clear that in case the complainant is not comfortable with the petitioner, she will be at liberty to approach the concerned police authorities to highlight her grievance, if any.

Petition stands disposed of accordingly.

January 10, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No