

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

CRM-M-41202-2020
Date of decision: 11.12.2020

Harwinder Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajnish K. Gupta, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No. 101 dated 19.8.2020 under Sections 406, 498-A IPC, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner has sent photocopy of demand draft No. 040409 dated 10.12.2020 amounting to Rs. 2.00 lacs in favour of respondent No. 2-wife and informed this Court that the original demand draft will be handed over to the learned counsel for respondent No. 2, during the course of the day. It has also been pointed out that now the case is fixed before the Lok Adalat on 12.12.2020.

Learned counsel for the petitioner undertakes that the remaining amount of Rs. 10.00 lacs, as per the compromise, will be paid on or before 11.3.2021, i.e. the date fixed before the Additional District Judge.

Learned counsel also undertakes that even if there are no Court

proceedings on the said date, the draft of Rs. 10.00 lacs will be handed over to the complainant.

Notice of motion.

On the asking of the Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the State.

Mr. Pratham Sethi, Advocate has put in appearance on behalf of respondent No. 2 and filed his power of attorney through e-mail. Copy of the same is taken on record.

Learned counsel for respondent No. 2 also undertakes that the complainant-respondent No. 2 will not miss the Court proceedings and record her statement under Section 13-B of the Hindu Marriage Act, 1955.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for cancellation of bail.

It is also made clear that in case the terms and conditions of

the compromise are not complied with by the petitioner at any stage, it will be open to respondent No. 2 to move an application for cancellation of bail.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

December 11, 2020
Gurpreet

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No