

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

CRM-M-12333-2020 (O&M)

Date of decision: 24.03.2021

Rajan Giri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Kainth, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. T. P. S. Bawa, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 18 dated 20.02.2020, registered under Sections 406, 498-A of the IPC at Police Station Women Cell, District Police Commissionerate Ludhiana.

The operative part of the order dated 28.05.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner inter alia contends that petitioner filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. He is ready to settle the dispute and resume cohabitation. It is further argued that there is no specific allegation against the petitioner either in respect of demand of dowry or maltreatment of the complainant in respect of any such demand.

Mr. Suvir Sheokand, Addl. A.G. Punjab has caused appearance on behalf of State of Punjab.

Mr. Amit Goyal, Advocate has caused appearance on behalf of the complainant.

Counsel for the complainant, on instructions, would state that the complainant is willing to live with the petitioner in case he provides her congenial atmosphere in the matrimonial home. Counsel would pray that the complainant would appear in person on the date fixed by this Court but the petitioner may be directed to pay litigation expenses.

Counsel for the petitioner, in reply, would state that the petitioner is ready to bear expenses for appearance of complainant in the Court.

The petitioner shall deposit Rs.15,000/- in Registry of the Court within a period of 7 days, to be paid to the complainant, in respect of expenses to be incurred in the present case.”

Thereafter, the parties were directed to appear before the Mediation and Conciliation Centre of this Court for exploring the possibility of some amicable settlement.

Today, learned counsel for the parties are *ad idem* that the matter stands settled and a divorce petition under Section 13-B of the Hindu Marriage Act has been filed, which is pending before the competent Court for 04.08.2021.

Learned counsel for the complainant submits that he has no objection if the interim bail, granted to the petitioner, is confirmed subject to the condition that if he fails to abide by the terms and conditions of the settlement, the complainant shall be at liberty to revive the instant petition.

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioner has already joined the investigation and is no more required

for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 28.05.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is made clear that in case the petitioner fails to abide by the terms and conditions of the settlement, the complainant shall be at liberty to revive the present petition.

24.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No