

CRM-M No.44409 of 2020 (O&M)
Date of Decision: 31.03.2021

Arvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Rajan Singh Dadwal, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video conferencing.

The petitioner seeks grant of pre-arrest bail in case
bearing FIR No.84 dated 05.11.2020 registered under Sections
420, 120-B of IPC at Police Station, Bajajkhana, District
Faridkot.

On 31.12.2020, the following order was passed:-

“Learned counsel for the petitioner has submitted
that in the present case the petitioner has been falsely
implicated. He has submitted that there was a
matrimonial dispute between Swaranjit Kaur and her
husband namely Yadwinder Singh and as per para 7
(iii) of compromise (Annexure P1), an amount of Rs.15
lakhs was to be deposited by the husband in the
account of the petitioner who was mediator and
according to the aforesaid clause, the said amount of

Rs.15 lakhs was to be paid to the wife when all cases were to be finished. He has further submitted that a petition under Section 13-B of the Hindu Marriage Act, was filed by the aforesaid Swaranjit Kaur and Yadwinder Singh but thereafter, both the parties resiled from the compromise and proceedings could not take place. He has further submitted that there is no role of the petitioner and he was only a mediator and as a matter of security the aforesaid amount of Rs.15 lakhs was kept in his account and that no mala fide intention has been attributed to the petitioner. He has further submitted that if he returns the amount to the complainant who is mother of the husband, even then the rights of the wife would be jeopardised and therefore, the present FIR against the petitioner is not sustainable.

Notice of motion.

On asking of the Court, Mr.Harpreet Singh Multani, AAG, Punjab, accepts notice on behalf of State and prays for time to seek instructions.

List on 23.2.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, 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.

December 31, 2020. (JASGURPREET SINGH PURI)
raj arora JUDGE”

It appears that the petitioner was only a mediator and an amount of Rs.15 Lakhs was kept in his account as a security. The contesting parties have resolved their matrimonial dispute by parting ways amicably. Even FIR No.06 dated 27.07.2018 registered under Sections 498-A and 406 IPC, Police Station, Women Cell, Jagraon, District Ludhiana on the basis of compromise has also been quashed, vide order dated 23.03.2021 passed in CRM-M No.1148 of 2020. The amount deposited in favour of the petitioner is required to be given to one of the parties as per compromise.

On 22.03.2021, learned counsel for the petitioner sought time to have further instructions. Today, learned counsel for the petitioner submits that the petitioner is not interested in returning the amount of Rs.15 Lakhs to either of the parties.

Learned counsel for the petitioner, at this stage, wishes to withdraw this petition.

In view of statement made by learned counsel for the petitioner, this petition is ordered to be dismissed as withdrawn.

(RAJ MOHAN SINGH)
JUDGE

31.03.2021
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No