

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

CRM-M-48840-2019

Date of Decision: 30.11.2021

AJAY KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. A.S.Jawandha, Advocate, for the petitioner.

Ms. Ruchika Sabarwal, AAG, Punjab.

Mr. Sukhtej Singh Sandhu, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No. 0120 dated 01.10.2019 under Sections 406 and 498-A IPC registered at Police Station Women, District Police Commissionerate Ludhiana.

The petitioner is the husband of respondent No.2 and the FIR has been lodged on account of matrimonial dispute that has cropped up between the parties.

On 18.11.2019, the following order was passed:-

“Learned counsel for the petitioner states that there are minor differences between the parties and the petitioner is ready to take his wife along with daughter to the matrimonial home.

Notice of motion.

Process Dasti as well.

The petitioner and respondent No.2 are directed to appear before the Mediation and Conciliation Centre of this Court on 06.12.2019. However, the petitioner shall pay a sum of Rs.20,000/- to respondent No.2 on her causing appearance before the aforesaid Centre as litigation expenses, which shall be a condition precedent for initiation of mediation proceedings.

For awaiting report, list on 06.02.2020.

Till next date of hearing, arrest of the petitioner shall remain stayed.”

Subsequently, on 16.07.2021, the following order was passed:-

“Counsel for the petitioner herein would contend that the mediation process has failed.

Adjourned to 30.11.2021.

Since, there was no order directing the petitioner herein to join the investigation, as such, he is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.”

It has been stated by learned counsel for the petitioner that in terms of interim directions issued by this Court, the petitioner has joined the investigation, though, mediation has failed, but subsequently an amicable settlement has been effected and the parties are residing together. Furthermore, a separate petition for quashing of FIR on the basis of compromise has also been instituted.

Learned State counsel, on instructions from ASI Vipin Kumar, has not disputed the fact that the petitioner has joined the investigation and his custodial interrogation is no more required.

Mr. Sukhtej Singh Sandhu, learned counsel for respondent No.2 has acknowledged the fact of compromise having been effected between the parties, parties are residing together and a separate petition for quashing for FIR has been filed in this Court.

In view of the above, the order dated 16.07.2021 is made absolute.

The petition is, accordingly, allowed.

30.11.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No