

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3291-2022
Date of Decision: 20.05.2022

GURPREET SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhmeet Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. B.S.Jatana, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

On 28.01.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 123 dated 07.12.2021 under Sections 406, 498-A IPC, registered at Police Station Joga, District Mansa.

Briefly, the FIR has been registered on the basis of the complaint submitted by Binder Kaur, wife of the petitioner.

Learned counsel for the petitioner contends that the marriage took place on 06.03.2016 and a child, presently aged about 4 years, was born from the wedlock. The petitioner has already instituted a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights. The said petition was instituted subsequent to the submission of the complaint but prior to the registration of the FIR. Even the petitioner had submitted an application, Annexure P-2 to the SHO, Police Station Ajitwal, District Moga against the complainant prior to the submission of the complaint but no action was initiated thereupon.

Learned counsel for the petitioner further contends that the petitioner is ready and willing to amicably settle the matter through the process of mediation and is also prepared to bear the necessary expenses to facilitate the presence of the complainant in the Mediation Centre.

Notice of motion.

Mr. M.S. Nagra, AAG Punjab accepts the notice on behalf

of the State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 09.02.2022.

For awaiting the report of the Mediator, adjourned to 07.04.2022.

The petitioner shall pay a sum of Rs.20,000/- to the complainant on her appearance in the Mediation and Conciliation Centre to facilitate her presence and participation in the mediation proceedings.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that though the mediation was unsuccessful but the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions from HC Jagsir Singh, has not disputed this fact and has stated that the petitioner has joined the investigation in pursuance of the interim directions and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.01.2022 is made absolute.

The petition stands allowed.

20.05.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No