

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4135-2021
Date of Decision: 20.04.2022

VIKRAM BHADU ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shivender Sharma, Advocate for
Mr. A.P.Batra, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Harsh Neyol, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 217
dated 10.12.2020 under Sections 406, 498-A IPC, registered at Police Station
Khui Khera, District Fazilka.

On 29.01.2021, following order was passed:

“Case taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case on account of marital discord between the petitioner and the complainant; there is no other criminal case in which the petitioner is involved; the petitioner and the complainant got married on 15.04.2016 and the allegations of demand of a car were made on 06.06.2020 i.e. after over four years' unexplained delay; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the same contains vague and unsubstantiated allegations; there is no medical opinion to substantiate the complainant's version of alleged beatings by the petitioner; the petitioner is ready and willing to amicably settle the dispute between the petitioner and the complainant and that he is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

For arguments, adjourned to 4.5.2021.

Respondent No.2 be served through ordinary process.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C., in the event of his arrest in FIR No.217 dated

10.12.2020 under Sections 406 and 498-A IPC registered at Police Station Khui Khera, District Fazilka, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned counsel for the petitioner contends that subsequently, the matter was referred to Mediation and Conciliation Center of this Court. As per the report received from the Mediation and Conciliation Center, the dispute has been amicably settled. Furthermore, the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned counsel for the complainant has not disputed the fact of settlement. Even on the instructions of ASI Puran Singh, learned State counsel has asserted that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court on 24.03.2021 and his custodial interrogation is not required.

The Settlement/Agreement has been received in the Court which indicates that the parties have to prefer a petition under Section 13-B of Hindu Marriage Act and a sum of Rs. 3,50,000/- has to be paid to the complainant on account of permanent alimony. The amount is to be paid in terms of the settlement and the parties have to withdraw the respective cases.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 29.01.2021 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

20.04.2022
Janki

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