

CRM-M-7341-2022

Date of decision: 22.12.2022

ABHIMANYU GUPTA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursharan Singh, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Akshay Chadha, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

On 22.02.2022, the following order was passed:-

"Petitioner is seeking anticipatory bail in case bearing FIR No.114 dated 13.11.2021, under Sections 498-A IPC (Section 406 IPC added later on), registered at Police Station Women, Police Commissionerate Ludhiana. Learned Senior counsel for the petitioner contends that it was the second marriage of the petitioner as well as the complainant. The first marriage of the complainant was dissolved in the month of August 2020 and the marriage of the parties was solemnized on 16.11.2020. It was a simple marriage on account of Covid-19 pandemic. At the earlier instance an enquiry in the matter was conducted by Assistant Commissioner of Police, and on his recommendation, the FIR under Section 498-A IPC was registered. Subsequently, during the course of pendency of the bail application before the Court of learned Addl. Sessions Judge, offence under Section 406 IPC has also been added. It has further been stated that there is no allegation of specific entrustment of any article of istridhan. The petitioner has joined the investigation during the course of interim bail and also in pursuance of the notices issued by the police under Section 41-A of the Code of Criminal Procedure. Furthermore, the complainant is suffering from incurable venereal disease

which fact was concealed at the time of marriage. The petitioner has instituted a petition under Section 12 of the Hindu Marriage Act for declaring the marriage as nullity and the complainant has initiated the proceedings under the Protection of Women from Domestic Violence Act.

Notice of motion.

In pursuance of the advance notice, Ms. Ruchika Sabherwal, AAG Punjab accepts notice on behalf of the State and seeks time to get instructions in the matter.

Mr. Akshay Chadha, Advocate has also put in appearance on behalf of the complainant and has opposed the bail application on the score that false and frivolous allegations with regard to the disease being suffered by the complainant have been levelled as the petitioner belongs to the family of Doctors and false medical reports have been procured at Pathankot which are contrary to the medical reports in Ludhiana. Moreover, the petitioner and his family members have instituted about 17 complaints at different Forums.

On a query by the Court, both the learned counsel for the parties have expressed their willingness for exploring the possibility of amicable settlement through the process of mediation.

Let the parties appear before the Mediation and Conciliation Centre of this Court on 07.03.2022.

For awaiting the report of the Mediator, adjourned to 22.04.2022.

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.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties and furthermore, in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Roop Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant has also not disputed the factual assertions as putforth by the learned counsel for the petitioner.

In view of the aforesaid submissions, the order dated 22.02.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

22.12.2022

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(VIVEK PURI)
JUDGE

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