

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5985-2020
Date of Decision: 08.03.2022

SUKHMANDIR SINGH ... PETITIONER
V/S
STATE OF U. T. CHANDIGARH & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. Rajeev Anand, Addl. P.P U.T. Chandigarh.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 117 dated 17.09.2019 under Sections 406, 498-A IPC, registered at Police Station Women Sector 17, Chandigarh.

On 11.02.2020, following order was passed:

“Counsel for the petitioner would contend that the allegations as set out in the FIR do not constitute any offence under Sections 406, 498-A of IPC, while contending that the petitioner is ready to settle the matrimonial dispute with the complainant. It is further submitted that all the dowry articles have already been handed over to the Investigating Officer.

At this stage, on the oral request of counsel for the petitioner, complainant-Gursharan Kaur wife of Sukhmandir Singh, daughter of Manjeet Singh, r/o H.No.2431-B, Sector 39-C, Chandigarh is impleaded as respondent No.2.

Counsel for the petitioner is directed to file the amended memo of parties with the Registry within three days.

Notice of motion for 17.03.2020, on which date the parties to the marriage are directed to appear before the Mediation and Conciliation Centre of this court to explore the chances of amicable settlement, where the petitioner would pay a sum of ₹15,000/- to the complainant towards litigation and travelling expenses.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety 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.”

Learned counsel for the petitioner contends that the petitioner has already transferred an amount of Rs.15,000/- as directed in terms of the order dated 11.02.2020 in the account of the complainant, the matrimonial dispute has been amicably settled, the petitioner has instituted a petition for quashing the FIR, bearing CRM-M-31498-2020 wherein directions have been issued to the trial Court for recording statements of the parties and furthermore, the marriage between the petitioner and complainant has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act.

On 03.11.2021, learned State counsel on the instructions of ASI-Hawa Singh has already submitted that the petitioner has joined the investigation and is no more required for custodial interrogation.

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 11.02.2020 is made absolute.

The petition stands allowed.

08.03.2022

Janki

(VIVEK PURI)
JUDGE

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