

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

CRM-M-11169-2019
Date of Decision: 18.04.2022

RATHVINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present : Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. R.S. Sidhu, A.A.G., Punjab.

Mr. A.S. Narang, Advocate
and Mr. M.S. Tiwana, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

Prayer in the present petition is for cancellation of bail granted to respondent No.2 vide order dated 23.10.2017 in case FIR No.27 dated 09.06.2016 registered under Sections 498-A, 406 of IPC at Police Station Women, Bathinda.

During the pendency of this petition, respondent No.2 had filed an affidavit dated 05.09.2017, wherein, he had undertaken that he would abide by order dated 31.08.2017 and would not make any default in paying the maintenance to the present petitioner.

Learned counsel for the petitioner has submitted that despite

that, the respondent has not complied with the undertaking given. He submits that as on date, the respondent is running in the arrears amounting to Rs.4,80,000/-

Learned counsel for respondent No.2 in all his fairness has submitted that he has brought a Cheque of Rs.2 lacs and he is handing over the same to the petitioner today itself. He further submits that the respondent is an agriculturist and due to the ongoing pandemic, he could not arrange money and the arrears which are due, are totally un-intentional. He submits that he be given some reasonable time to clear the rest of the arrears of about Rs.2,80,000/-. He further submits that he would keep on paying the regular amount of maintenance of Rs.15,000/- which would be over and above the arrears. He submits that after paying Rs.2 lacs today, the arrears would be Rs.2,80,000/- and he would clear the same in five monthly instalments.

After hearing the parties, the Court finds the submissions made by learned counsel for the respondent genuine and rational one and hence grants time to respondent No.2 to clear the arrears in five equal instalments starting from May upto the end of September i.e. 30.09.2022. Besides this, the regular maintenance of Rs.15,000/- would be paid every month. Needless to say that if respondent No.2 does not abide by the undertaking given to this Court, the petitioner would be at liberty to approach this Court for revival of this petition.

Learned counsel for the petitioner undertakes to give the account details of the petitioner-wife to learned counsel for the respondent

No.2 within a week from today.

The petition is disposed of with the aforesaid observations.

18.04.2022
gurpreet

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No