

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

**CRM-M-12641-2020
Date of Decision: 18.07.2022**

**NITI RAJAN SINGH ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. P.B.S.Goraya, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Sandeep Chopra, Advocate, for
Ms. Puja Chopra, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in case bearing FIR
No.0041 dated 07.03.2020 under Sections 498-A and 406 IPC registered at
Police Station Civil Lines, Batala, Police District Gurdaspur.

On 21.05.2020, the following order was passed:-

“Heard through video conferencing.

*Learned counsel for the petitioner contends that the FIR is
the outcome of a matrimonial dispute between the petitioner and
the complainant. He also contends that the petitioner shall make
every effort to compromise the matter.*

Issue notice to the respondents.

*At the asking of the Court, Ms. Bhavna Gupta, DAG,
Punjab, accepts notice on behalf of the respondent-State.*

List on 16.07.2020.

*In the meantime, the petitioner is directed to appear before
the investigating/arresting officer and join investigation.*

*In the event of his arrest, the investigating/arresting officer
shall release the petitioner on ad interim bail subject to his
satisfaction. The petitioner shall also abide by the conditions as
envisaged under Section 438 (2) Cr.P.C.”*

Subsequently on 16.07.2020, it was stated by the learned State counsel that the petitioner has joined the investigation and his custodial interrogation is not required. However, it was submitted by learned counsel for respondent No.2 that no attempt has been made to effect the compromise between the parties. Accordingly, the parties were referred to Mediation and Conciliation Centre of this Court.

As per the report, the mediation was unsuccessful.

Subsequently, the parties were also directed to appear before this Court. The parties are also present in the Court. However, efforts made for effecting negotiable settlement could not fructify.

It has also been stated by the petitioner, who is present in the Court, that he has instituted a petition under Section 9 of Hindu Marriage Act for Restitution of Conjugal Rights and another petition for seeking custody of the minor child.

The respondent No.2, who is also present in the Court, submits that she has also instituted an application under Section 125 Cr.P.C. and also initiated proceedings under the Protection of Women from Domestic Violence Act.

The marriage of the parties was solemnized on 09.04.2016. The daughter born from the marriage is in the custody of respondent No.2. It has also been stated that the brother of the petitioner has been found to be innocent and his mother has been granted pre-arrest bail.

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel has not assailed the aforesaid factual aspect and further states that the custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 21.05.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

18.07.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No