

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17021-2022
Date of Decision: 27.10.2022

DEEPAK RAJ AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

* * *

VIVEK PURI, J. (ORAL)

On 26.04.2022, following order was passed:

“Petitioner is (sic petitioners are) seeking anticipatory bail in the FIR No. 15 dated 29.03.2022 under Section 406, 498-A IPC registered at P.S. Kahnuwan Distt. Gurdaspur.

Learned counsel for the petitioners contend that petitioner No. 1 and 2 are the husband and mother-in-law of the complainant respectively. Even at the earlier instance, a matrimonial dispute had occurred between the parties. Petitioner No. 1 has instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights. During the subsistence of the said proceedings, a compromise was effected and consequently the petitioner withdrew the petition under Section 9 of Hindu Marriage Act.

Thereafter, again on the basis of the false allegations, the present FIR has been registered. The petitioners are ready and willing to amicably settle the matrimonial dispute.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab, who is present in the Court, accepts notice on behalf of the State-respondent No. 1.

The private parties are directed to appear before the Mediator on 18.05.2022 and on appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 20,000/- to facilitate her presence and participation in the mediation proceedings.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

The report be awaited for 18.08.2022.”

Learned counsel for the petitioners contend that in pursuance of the interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel submits that the petitioners have joined the investigation and their custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The order dated 26.04.2022 is made absolute.

The petition stands allowed.

27.10.2022

Janki

(VIVEK PURI)
JUDGE

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