

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17064-2022
Date of Decision: 24.08.2022

SHARNPREET SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. GPS Pathania, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Hitesh Chopra, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 26.04.2022, following order was passed:

“Petitioner in the case is seeking anticipatory bail in the FIR No. 0026 dated 02.04.2022 (Annexure P-1) under Section 498-A, IPC registered at P.S. Sadar Pathankot, District Pathankot and staying of his arrest.

Learned counsel for the petitioner contends that the marriage of the petitioner with the complainant was solemnized on 7th February 2021. The petitioner is serving in Indian Army and he stayed with the complainant only for a period of about 3 months after his marriage. A child is also born from the wedlock, who is presently aged about 6 months. The complainant is working as *Ward Sahayak* in the Army Hospital. The complainant had instituted a petition under Section 125 Cr.P.C. and the petitioner instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights. The petitioner is 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 and Mr. Harsimranpreet Singh, Advocate files

his Memo of Appearance on behalf of the complainant and states that he has no objection if the matter is referred to Mediation.

In view of the above, the parties are directed to appear before the Mediator on 20.05.2022 and on appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs.30,000/- to facilitate her presence and participation in the mediation proceedings.

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 24.08.2022.”

As per the report received from the Mediation and Conciliation Centre of this Court, despite best efforts the parties could not arrive at an amicable settlement.

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

Learned counsel for the complainant has opposed the bail application on the score that after the registration of the FIR, the petitioner had been threatening the complainant and the matter has also been reported to the Police.

Learned State counsel, on instructions from ASI Balwinder Kumar, has stated that the petitioner has joined the investigation and his custodial interrogation is not required. It has been further submitted that offence under Section 506 IPC has not been added in the instant case.

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 26.04.2022 is made absolute.

The petition stands allowed.

24.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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