

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101-2)

CRM-M-16884-2020 (O&M)

Date of decision: 28.04.2022

Atma Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurpreet Singh Dhillon, Advocate
for the petitioner.

Mr. A.S.Gill, Senior Deputy Advocate General, Punjab.

Mr. Rohan Garg, Advocate for
Mr. Preetinder Singh Ahluwalia, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail in FIR No.6 dated 10.07.2016, registered for offences under Sections 307, 406, 498-A, 420, 379, 506 and 120-B of the Indian Penal Code, 1860, at Police Station Women, SAS Nagar, Punjab (Annexure P-1).

On 16.12.2021, this Court passed the following order:-

“Learned counsel for the petitioners submits that the parties have arrived at an amicable settlement. In support, he has placed on record the compromise deed dated 10.12.2021

wherein the factum of the compromise between the parties stand reflected.

Learned counsel appearing for the complainant does not dispute the factum of the parties indeed having amicably settled the matter between themselves. He submits that in the wake of the compromise arrived at between the parties, he does not oppose the grant of anticipatory bail to the petitioners, who are brothers-in-law, mother-in-law and father-in-law of complainant-Navreet Dhaliwal.

However, learned State counsel has opposed the grant of anticipatory bail to the petitioners in view of they having been declared proclaimed offenders on 02.09.2020. She does not dispute that it was essentially on account of a matrimonial dispute between the complainant and her husband that the FIR in question came into existence. However, in the wake of settled law, she submits that the petitioners cannot be extended the extraordinary concession of anticipatory bail.

At this stage, learned counsel for the petitioners submits that they would be willing to appear and surrender before the Court below and move an application for regular bail. A prayer has been made that the trial Court be directed that as and when they appear and surrender before the trial Court and move an application under Section 439 Cr.P.C., their application be decided expeditiously.

Heard.

Admittedly, the FIR in question came to be registered on account of a marital discord between the complainant and her husband, who is already on regular bail vide order dated 02.09.2020 passed by the Court of Sessions, Mohali. Since it is not disputed that the petitioners are declared proclaimed offenders, this Court would not be inclined to extend the extraordinary concession of anticipatory bail. However, in the facts and circumstances as enumerated hereinabove, the petitioners are directed to appear and surrender before the trial Court within one week from today. On their appearance and surrender, they shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Adjourned to 28.04.2022.

A copy of the order be produced on the next date of hearing.

A photocopy of this order be placed on the files of other connected cases.”

Counsel representing the petitioner submits that the petitioner has surrendered before the Trial Court in compliance of order dated 16.12.2021 and he has been released on interim bail. A copy of the order passed by the Trial Court on 21.12.2021 has been placed on record.

Counsel representing the accused-petitioner as well as the complainant submit that the FIR is an outcome of a matrimonial dispute, which has been settled by way of a compromise dated 10.12.2021. Both the counsel submit that their parties will abide by terms of the compromise.

In view of above facts, but without commenting on the merits of the case, the present petition is disposed of. Order dated 16.12.2021 is made absolute.

(SUVIR SEHGAL)

JUDGE

28.04.2022

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No