

CRM-M-25051-2021

Date of Decision: 28.7.2022

Sukhwinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Liaqat Ali, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Amit Kumar Saini, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.104 dated 8.6.2021 registered under Section 498-A IPC, at Police Station Samrala, District Khanna, District Ludhiana.

By virtue of the order dated 21.12.2021, while granting interim protection, the petitioner was directed to join investigation.

It has been contended by learned counsel for the petitioner that the petitioner has joined the investigation and fully cooperated. He submits that the parties were directed to appear before the Mediation Centre and they duly appeared, however, the matter could not be resolved amicably.

On the other hand, learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner and submitted that the complainant is mother of minor daughter as well and she is ready to reconcile with the husband. He also submits that the petitioner had filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, however, during the pendency of this petition, he has subsequently withdrawn the same.

Learned counsel for the petitioner submits that during the mediation proceedings, the petitioner has offered an amount of Rs.12 lacs to the complainant-wife for amicable settlement, however, the same was not acceptable to the complainant.

Learned counsel for the complainant also submits that there are allegations pertaining to the entrusment of *istridhan*, however, there is no offence under Section 406 IPC incorporated in the FIR.

Learned State counsel, on instructions from ASI Baldev Singh, has endorsed the fact that the petitioner has joined the investigation and he is no more required for further investigation.

After hearing learned counsel for the parties, the Court is convinced that there is no possibility of amicable settlement between the parties and thus, finds no justification in referring them to the Mediation Centre again.

The Court is further of opinion that the matter requires a thorough investigation and the outstanding issues are to be dealt by the trial Court on the basis of the evidence led by the respective parties.

In view of the above, the order dated 21.12.2021 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C. and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

28.7.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No