

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

CRM-M-24515-2022 (O&M)

Date of Decision: 28.7.2022

Pawan Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Dr. Sumati Jund, Advocate, for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Ritesh Pandey, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

CRM-24998-2022

Notice in the application.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab, accepts notice on behalf of the State and Mr. Ritesh Pandey, Advocate, accepts notice on behalf of the complainant.

Heard.

In view of the no objection pleaded by learned State counsel, the application is allowed and Section 325 IPC be added in the headnote as well as in the prayer clause of the petition.

Registry is directed to carry out necessary corrections.

Main case

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.103 dated 8.10.2019, registered under Sections 498-A, 406, 323 & 34 IPC (Section 325 IPC added lateron), at Police Station Kalanaur, District Gurdaspur.

It has been contended by learned counsel for the petitioner that the marriage of the petitioner and the complainant took place on 29.4.2017. She submits that the petitioner is employed as Constable in RPF. She submits that after the marriage, matrimonial discord between the husband and wife was for the reason that he was not able to take her at his place of posting. She submits that the petitioner is presently posted at Ambala, whereas, the matrimonial home is at Gurdaspur. She submits that there is no issue out of the marriage, however, as rift between the husband and wife widened due to the misunderstanding between both, the present FIR was lodged. She submits that the petitioner approached this Court praying for grant of anticipatory bail, in which interim bail was granted and the petitioner was directed to appear before the Mediation Centre. However, as the petitioner failed to appear before the Mediation Centre on some of the dates on account of some illness as contended, hence, his anticipatory bail was dismissed. She submits that thereafter, the petitioner was arrested on 18.4.2022 and investigation is also complete. She submits that even as on date, the petitioner is ready to settle the dispute amicably. She further submits that the petition filed by the petitioner for grant of bail was declined by the trial Court simply on the ground that the case was pending investigation and report under Section 173 Cr.P.C. was not filed. She submits that the investigation is complete and the petitioner has no criminal antecedents, thus, he deserves to be granted bail.

Learned counsel for the complainant though opposes the submissions made by learned counsel for the petitioner, however, he also submits that the complainant is also willing for amicable settlement in case

the petitioner cooperates.

Heard.

The relationship between the petitioner-husband and the complainant-wife is admitted fact. The petitioner is behind bars since 18.4.2022. The investigation is already complete and there is nothing on record showing that the petitioner has any criminal antecedents. In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial is likely to take time in its conclusion. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

The parties are at liberty to carry on with the negotiations for settlement as per their suitability.

28.7.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

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