

CRM-M-25143-2022

Date of decision: 30.09.2022

SAMIM AHMED @ SHAMEEM AHMED

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.Nafees Ahmed Khan, Advocate for
Mr. Mohd. Jameel, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

Mr. Sunny K. Singla, Advocate has put in appearance on behalf of respondent No.2/complainant and filed power of attorney, which is taken on record.

On 02.06.2022, the following order was passed:-

"Petitioner is seeking anticipatory bail in case bearing FIR No. 12 dated 27.04.2022 under Section 498-A IPC, registered at Police Station Women, Malerkotla, District Malerkotla.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant in accordance with Muslim rites and rituals as back as on 15.06.2005. The complainant is residing separate from the petitioner in her parental house since the year 2009. The efforts were made for amicable settlement but to no effect. Subsequently, in the year 2018, the petitioner had solemnized 2nd marriage.

Learned counsel for the petitioner contends that possibility of amicable settlement through the process of mediation may be explored in the instant case.

On the oral request, complainant i.e. Sajiya Khatoon w/o Shamim Ahmad, r/o near Eedgah, Malerkotla, District Sangrur is impleaded as respondent No.2.

Notice of motion.

Ms. Bhavna Gupta, DAG Punjab accepts notice on behalf of the State.

The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center

of this Court on 27.07.2022. 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.

Report of the Mediator be awaited for 30.09.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

As per the report from the Mediator, the parties could not arrive at an amicable settlement.

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

On instructions from ASI Harpreet Singh, learned State counsel also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 02.06.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

30.09.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No