

CRM-M-26978-2022(O&M)

Date of decision: 02.12.2022

GURDEV SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Thakur, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.
Mr. Vikas Gupta, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

On 27.07.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.28 dated 13.04.2022, registered under Section 498-A IPC, 1860 at Police Station, Gardiwal, District Hoshiarpur.

Learned counsel for the petitioner contends that at the earlier instance, the complaint bearing No.756-PD dated 02.03.2020 (Annexure P-10) was submitted by the complainant to the police authorities. During the pendency of the enquiry proceedings, the matrimonial dispute was amicably settled. The articles of Istri Dhan have been returned to the complainant in terms of receipt dated 16.06.2020 (Annexure P-4). The petitioner and the complainant had instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein, the statements of the parties at the stage of first motion were also recorded and the same are Annexures P-5 and P-6. A sum of Rs. 2,80,000/- was settled to be paid on account of permanent alimony and a sum of Rs. 1,40,000/- was paid at the time of recording the statements. Subsequently, the settlement fizzled out and the petition under Section 13-B of Hindu Marriage Act was dismissed as withdrawn. Furthermore, the petitioner is still ready and willing to amicably settle the dispute through mediation.

On the oral request of the learned counsel for the petitioner, the complainant i.e. Harpreet Kaur, daughter of late Nirmal Singh, R/o Jamsher Chathial, Police Station Gardiwala, District Hoshiarpur is impleaded as respondent No.2 in order to explore the possibility of amicable settlement.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab on behalf of the respondent-State and Mr. Vikram Bali, Advocate on behalf of respondent No.2/complainant accept notice in the instant case.

Learned counsel for the petitioner as well as respondent No.2 are ad idem that the matter may be referred to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 26.08.2022.

To await the report, list on 02.12.2022.

However, the petitioner shall pay a sum of Rs. 30,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

As per the report of 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 Jasvir Singh, learned State counsel has not disputed the aforesaid factual aspects and 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 27.07.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

02.12.2022

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(VIVEK PURI)
JUDGE

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