

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

CRM-M-24933-2019

Date of decision : 16.03.2022

Raghbir Singh and another

..... Petitioners

versus

State of Punjab and another

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amit Gupta, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Swarn Singh Tiwana, Advocate
for respondent No.2-complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.05 dated 11.05.2019, under Sections 498-A, 494, 406 of IPC, registered at Police Station NRI, District Gurdaspur, Punjab.

Vide order dated 14.11.2019 while granting interim protection, the petitioners were directed to join investigation.

Learned counsel for the petitioners has submitted that pursuant to order dated 14.11.2019, the petitioners have joined the investigation and as such, their interim bail may be made absolute. He further submits that the parties were referred to the Mediation Centre at Gurdaspur. Both the parties appeared before the Mediation Centre at Gurdaspur and settled their dispute amicably.

Learned counsel for the complainant/respondent No.2 though affirms the fact that the compromise between the parties has been arrived at and the matter has been finally settled. However, he submits that the

husband is in France whereas, both the petitioners are parents-in-law of the complainant. He submits that as per the compromise arrived at, the parties were to file the petition under Section 13-B of Hindu Marriage Act for dissolving the marriage by decree of divorce. He submits that son of the petitioners till date has not sent the power of attorney and hence, the petition under Section 13-B of Hindu Marriage Act could not be filed till date as agreed in the compromise arrived at between the parties.

Learned counsel for the petitioners however, submits that the parties are bound by the terms and conditions of the compromise arrived at and would file the petition under Section 13-B of Hindu Marriage Act.

Learned State counsel, on instructions, has affirmed the fact that the petitioners have joined the investigation.

In view of the agreed position, interim order dated 14.11.2019 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C. It is being clarified that in case the complainant/respondent No.2 finds that the petitioners have misused the order of this Court by violating the terms and conditions of the agreement/settlement arrived at, the complainant would be at liberty for filing petition for cancellation of this bail.

Petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

16.03.2022
m.sharma

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No