

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34929-2022
Date of Decision: 07.12.2022

NIRBHAI SINGH

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Basa, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Rahul Kumar Prashar, Advocate for
Mr. B.B.S. Randhawa, Advocate for respondent
No.2/complainant.

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VIVEK PURI, J. (ORAL)

On 08.08.2022 following order was passed:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.04 dated 04.06.2022, registered under Sections 498-A/406 IPC, 1860 at Police Station NRI Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 31.01.2020. Earlier, the petitioner was residing abroad and now he has returned back to India. The reason of marital discord is to the effect that the complainant was having suspicion that the petitioner has solemnized marriage abroad and the said suspicion is without any basis. The petitioner is 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. Mandeep Kaur, daughter of Lakhwinder Singh, R/o Village German Estate Colony, Umarpura, P.S. Civil Lines Batala, Tehsil Batala, District Batala is impleaded as respondent No.2 in order to explore the possibility of amicable settlement.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Mr. B.B.S. Randhawa, Advocate for the complainant accepts notice on behalf of respondent No.2/complainant.

Learned counsel for the complainant has fairly stated that the respondent No.2/complainant is not averse to exploring the possibility of amicable settlement through the process of mediation and seeks time to file power of attorney.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 07.09.2022.

To await the report, list on 07.12.2022.

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 received from Mediation and Conciliation Center of this Court, the matrimonial dispute has been amicably settled between the parties. The petitioner and respondent No.2 have resumed cohabitation.

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

Learned State counsel has not assailed the aforesaid factual aspect of the case and submitted that the custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.08.2022 is made absolute.

07.12.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No