

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.204

CRM-M-41492-2021

Date of decision: 14.03.2022

Brij Mohan

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. J.S. Dhaliwal, Advocate
for respondent No.2.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.72 dated 30.07.2021, registered under Sections 406, 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961 at Police Station Khuhi Khera, Distric Fazilka.

The petitioner is being prosecuted at the behest of his wife for criminal breach of trust and cruelty as also under Section 4 of the Dowry Prohibition Act, 1961.

Learned counsel for the petitioner inter-alia contends that the petitioner, who is serving in the CISF, has been falsely implicated in this case on account of matrimonial discord between him and the complainant; the petitioner has no other criminal case pending against him; the petitioner and the complainant have amicably settled their matrimonial dispute and that in pursuance to the same, they have both approached the Trial Court for grant of divorce by way of mutual consent.

Learned counsel appearing for the complainant acknowledges the fact that both the parties have jointly approached the Trial Court seeking therein divorce by way of mutual consent.

After considering the afore submissions and in the light of the fact that the petitioner and the complainant have resolved their matrimonial dispute by way of an amicable settlement, this Court is of the opinion that the petitioner's custodial interrogation, is not necessary and therefore, the order of this Court dated 24.11.2021 granting ad-interim bail to the petitioner is ordered to be made absolute.

It is made clear that in case the petitioner does not live up to the terms of the compromise, respondent No.2 would be at liberty to approach this Court seeking cancellation of the bail granted to him through this order.

March 14, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No