

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

CRM-M-39201-2020

Date of Decision: 4.8.2022

Satinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sushant Kareer, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Ms. Renu Arora, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.300 dated 5.10.2020, registered under Sections 323, 354, 354-B, 365, 498-A, 506 IPC, at Police Station City Kapurthala, District Kapurthala.

As per factual matrix of the case, the FIR in question was lodged by complainant-wife, wherein it was alleged that her marriage took place on 10.8.2010 with Satinder Singh i.e. the petitioner and they were blessed with two children. However, on account of matrimonial discord, rift between the husband and wife took place, which resulted into lodging of the present FIR against the petitioner. The petitioner was arrested on 6.10.2020 and approached the learned Addl. Sessions Judge, Kapurthala for grant of bail, who, after hearing the parties, declined the same vide order dated 17.11.2020. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner submits that the dispute is of matrimonial nature and the petitioner has been falsely implicated by the

wife in this case. He submits that both the children are in the custody of the complainant-wife. He submits that this Court granted interim bail to the petitioner vide order dated 18.12.2020 referring the parties for mediation as well. He submits that the parties appeared before the Mediation Centre, however, the same could not be resolved amicably. He also submits that the complainant-wife filed a petition under Section 13 of the Hindu Marriage Act, 1955, however, the petitioner wants to contest the same on merits. He has submitted that the petitioner though is on interim bail, but he has not misused the concession of interim bail granted to him. He submits that even otherwise, he remained behind the bars for about 11 months and has no criminal antecedents and thus, the interim bail granted to him, deserves to be made absolute during the pendency of the trial.

However, learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner was granted interim bail for the settlement of dispute amicably, however, due to his adamant nature, the same remained unsuccessful. She submits that the complainant-wife has already filed a petition under Section 13 of the Hindu Marriage Act, 1955 and she is ready to divorce the petitioner.

Learned State counsel has submitted that the petitioner was granted interim bail by the Court. She has produced the custody certificate of the petitioner, wherein he has been shown to have completed incarceration period of 10 months and 27 days. It also reads that the petitioner was granted interim bail till 25.10.2021, but he has not surrendered back in the jail.

Heard.

There is no gainsaying that the dispute between the husband and wife is purely matrimonial and because of the same, the petitioner suffered incarceration for about 11 months. As per the record of the case, the interim bail was also extended and the parties were directed to appear before the Mediation Centre, however, the mediation remained unsuccessful. In the facts and circumstances, it is apparent that the veracity of the allegations and counter allegations would be evaluated by the trial Court only after conclusion of the trial. The trial would take sufficient long time for its conclusion.

In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

4.8.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE