

CRM-M-44338-2021

Date of decision: 18.05.2022

GOBIND SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jatinder Singh Gill, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 180 dated 11.9.2021, registered under Sections 406/498-A/506 IPC, 1860 at Police Station Sadar Khanna, District Ludhiana.

On 30.03.2022, the following order was passed:-

“On 26.10.2021, the parties were directed to appear before the Mediation and Conciliation Centre at Ludhiana and the petitioner was directed to pay a sum of Rs.11,000/- as litigation expenses to the complainant on that date.

The letter issued by the Mediation and Conciliation Centre, Ludhiana has been forwarded to this Court by the learned District and Sessions Judge, Ludhiana vide letter No.816/G dated 03.03.2022. The information, as received vide letter No.50 dated 25.02.2022 issued by the Nodal Officer, Mediation and Conciliation Centre, Ludhiana, indicates that the matter has been compromised and the compromise is stated to be attached with the letter. However, copy of the receipt with regard to payment of Rs.11,000/- has been received but the compromise has not been sent alongwith the aforesaid letter.

The compromise be called for from the Mediation

and Conciliation Centre, Ludhiana.

It has also been pointed out by learned State counsel that in terms of the order dated 26.10.2021, the arrest of the petitioner was stayed, but he is yet to join investigation.

Adjourned to 18.05.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

The report of the mediator has been received. The matter has been amicably settled and the petitioner and respondent No.2 have agreed to institute a petition under Section 13-B of Hindu Marriage Act.

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and furthermore, the petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent has been instituted wherein the statements of the parties at the stage of first motion have been recorded.

On instructions from ASI Baldev Raj, learned State counsel has not assailed the aforesaid factual aspects and states that the custodial interrogation of the petitioner is not required.

In view of the aforesaid submissions, the order dated 30.03.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

18.05.2022
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(VIVEK PURI)
JUDGE

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