

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41334-2019
Date of Decision: 11.05.2022

RAJESH KUMAR ... PETITIONER
V/S
STATE OF PUNJAB & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishav Jain, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Munish Khanngwal, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking anticipatory bail in case bearing FIR
No. 39 dated 30.07.2019, under Sections 498-A/406 of the Indian Penal
Code, registered at Police Station Women Cell, Bathinda.

On 26.09.2019, following order was passed:

“Learned counsel for the petitioner states that the
petitioner-husband is ready to take the complainant-wife with
him and for this purpose, he has already filed a petition under
Section 9 of the Hindu Marriage Act, 1955.

On the oral request of learned counsel for the
petitioner, complainant Babita Rani is ordered to be
impleaded as respondent No.2.

Learned counsel for the petitioner is directed to file
amended Memo of Parties before the Registry within one
week from today.

Notice of motion.

Process Dasti as well.

The petitioner and respondent No.2 are directed to
appear before the Mediation and Conciliation Centre of this
Court on 30.10.2019. However, the petitioner shall pay a sum
of Rs.20,000/- to respondent No.2 on her causing appearance
before the aforesaid Centre as litigation expenses, which shall
be a condition precedent for initiation of mediation
proceedings.

For awaiting report, list on 09.12.2019.

Till next date of hearing, arrest of the petitioner shall
remain stayed.”

Subsequently, in terms of the order dated 30.01.2020, the

petitioner was directed to appear before the Investigating Officer and to join the investigation.

Learned counsel for the petitioner states that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Gurmeet Singh has not assailed the aforesaid factual aspect of the case and has further stated that the custodial interrogation of the petitioner is not required.

Learned counsel for the complainant has also stated that the matrimonial dispute has been amicably settled between the parties and he does not oppose the concession of anticipatory bail being granted to the petitioner.

Accordingly, the present petition is allowed and it is directed that in the event of arrest, the petitioner shall be admitted on bail on furnishing personal and surety bonds to the satisfaction of the Arresting Officer. This order is subject to the condition that the petitioner shall join the investigation and comply with other conditions as specified under Section 438(2) of the Code of Criminal Procedure.

11.05.2022

Janki

(VIVEK PURI)
JUDGE

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