

PRADEEP KUMAR SINGH

...Petitioner

VS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. M.S. Batth, Advocate for
Mr. G.S. Pannu, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Neeraj Yadav, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.29 dated 20.09.2019, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860 at Police Station Women, Amritsar, District Amritsar.

FIR, Annexure P-1, is an outcome of a matrimonial dispute. Vide order dated 29.10.2019, this Court had issued notice to the respondents and petitioner was granted interim bail for offence under Section 498 A IPC. During the pendency of the petition, offence under Section 406 IPC was invoked, which was permitted to be added in the petition. By order dated 28.07.2020, petitioner was granted interim bail qua offence under Section 406 IPC. Both the orders were made absolute by this Court vide order dated 16.11.2020.

Although the respondent-State has taken a stand that some

recovery is yet to be effected from the petitioner which fact is being disputed by the counsel for the petitioner, but without going into the same, this Court is of the view that interest of both the parties can be secured by directing the petitioner to deposit some amount before the Area Magistrate.

In view of the above, without commenting upon the allegations levelled in the FIR, petition is disposed of with a direction to the petitioner to deposit an amount of Rs. 1 lakh with the Area Magistrate within a period of 6 weeks from today.

In case the amount is deposited, the Area Magistrate shall keep it in a fixed deposit with a public sector bank for a period of 6 months with instructions for automatic renewal. The deposited amount along with accrued interest shall be paid to the party, who is found entitled to receive the same on conclusion of the trial.

It is made clear that the deposit of the amount by the petitioner will be without prejudice to his right of defence and in case, the petitioner fails to make the deposit within the aforesaid period, instant petition will be treated to have been dismissed and the State shall proceed in accordance with law.

(SUVIR SEHGAL)
JUDGE

September 28, 2022

P.Bhatt

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