

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.722 of 2020 (O&M)

Date of Decision.10.04.2023

Priya

...Petitioner

Vs

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Arpan Sabharwal, Advocate
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

Mr. D.S. Nigha, Advocate
for respondent No.2.

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JAISHREE THAKUR J. (ORAL)

This petition has been filed under Section 439 (2) of the Code of Criminal Procedure for cancellation of anticipatory bail granted to respondent No.2 by this Court vide order dated 10.12.2018 in FIR No.68 dated 01.04.2018 under Sections 494, 420 IPC registered at Division No.7, Jalandhar.

2. The facts as pleaded are that petitioner-Priya got registered a criminal case against respondent No.2 having solemnized marriage with her by concealing the factum of his earlier marriage. After his application for anticipatory bail was rejected by the Additional Sessions Judge at Jalandhar, respondent No.2 approached this Court by filing CRM-M-20193 of 2018 for anticipatory bail, pleading that he was willing to settle the matter with the complainant. Vide order dated 14.05.2018 passed in the said proceedings, he was allowed to join the investigation, while granting interim pre-arrest bail.

3. The matter had been eventually referred to the Mediation and Conciliation Centre of this Court and was settled on 15.10.2018 on the terms that respondent No.2-husband would pay a total sum of Rs.10 lakhs to the petitioner-

wife, out of which a sum of Rs.4 lakhs was to be paid to her on or before 15.11.2018 and a sum of Rs.3 lakhs each to be paid to the wife at the time of first and second motion hearing of the petition for divorce on mutual consent.

4. A petition for quashing of the FIR on the basis of compromise had been filed by the respondent No.2-husband vide CRM-M-49461-2018, as is evident from order dated 16.11.2018 (Annexure P-3). In such a background and the respondent No.2 having joined investigation pursuant to order dated 14.05.2018, interim order granting pre-arrest bail had been made absolute vide order dated 10.12.2018.

5. After obtaining the anticipatory bail, respondent No.2-husband changed his track. He failed to honour the terms of the compromise and did not pay a single penny to the petitioner herein as per the compromise. Neither the first installment of Rs.4 lakhs was paid to the petitioner on or after 15.11.2018 nor the petition for divorce on mutual consent could be filed. Respondent No.2 borrowed time to comply with the terms of compromise for certain period, however, having failed to do so, the petition for quashing of FIR on the basis of compromise filed by him, came to be dismissed on 31.10.2019.

6. When the wife filed the instant petition for cancellation of anticipatory bail granted to respondent No.2-husband herein, he evaded his appearance before this Court, despite the fact that his counsel appeared on his behalf. His presence was ultimately secured by adopting coercive method. Upon appearance before this Court on 20.12.2012, he again offered to pay Rs.10 lakhs to the petitioner-wife, Rs.2 lakhs to be paid by 10.01.2013 and the remaining in eight installments of Rs.1 lakh each payable on or before 10th Day of each successive month. Such a proposal being acceptable to the petitioner-wife, was again got reduced into writing before the Mediation and Conciliation

Centre of this Court, with a rider that in lieu of the non-compliance of terms of the compromise arrived at between the parties in the year 2018, respondent No.2 would pay an additional amount of Rs.1 lakh, over and above the settled amount towards compensation and additional expenses incurred by the wife.

7. After the settlement recorded before the Mediation and Conciliation Centre of this Court on 20.12.2022, respondent No.2 again defaulted in making the payment of balance amount after the initial payment of Rs.1.5 lakhs, as has been noticed in order dated 23.03.2023. On persuasion of his counsel and to check bona fide of respondent No.2, he was asked to bring an amount of Rs.2.5 lakhs on the next date of hearing.

8. Today, when the matter has been called twice, neither respondent No.2 appeared in person to hand over the amount of Rs.2.5 lakhs to the petitioner nor the counsel appearing for respondent No.2 has any instructions in this regard.

9. Keeping in view the conduct of respondent No.2 as noticed above, the prayer made by the petitioner for cancellation of anticipatory bail having primarily been granted considering the matrimonial discord being compromised, sounds reasonable. The instant petition is accordingly allowed and the anticipatory bail granted to the petitioner vide order dated 10.12.2018 passed in CRM-M No.20193 of 2018 titled as *Gurpal Singh Vs. State of Punjab* stands cancelled. Consequences to follow.

(JAISHREE THAKUR)
JUDGE

April 10, 2023
Pankaj*

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