

2023:PHHC:138229

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

CRM-M-9579-2023

Date of Decision: 30.10.2023

DALER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sandeep Godara, Advocate for
Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Navjot Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking anticipatory bail in the case bearing
FIR No. 16 dated 04.02.2023 under Section 498-A IPC registered at Police
Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. On 03.08.2023, the following order was passed:-

“1. At the earlier instance, in order to explore the possibility
of amicable settlement through mediation, the arrest of the
petitioner was stayed.

2. However, as per the report of the Mediator, despite best
efforts, the parties could not arrive at an amicable settlement.

3. Learned counsel for the petitioner contends that the
marriage of the petitioner was solemnized with the
complainant/respondent No.2 on 14.12.2021 and a son who is
presently aged about 01 year has been born from the wedlock. The
petitioner has handed over his passport to the Investigating Officer
in pursuance of order dated 20.03.2023. Although, there were
allegations with regard to abortion but the offence under Section
313 IPC has not been added in the instant case. The parents of the
petitioner have been granted anticipatory bail and the allegations
levelled in the petition are vague and false.

4. Learned counsel for the petitioner as well as the
complainant are ad idem that though, the mediation has been
unsuccessful but still they will offer their good offices to explore
the possibility of amicable settlement between the parties.

6. Adjourned to 30.10.2023.

7. Meanwhile, it is directed that in the event of arrest, the
petitioner be admitted on interim bail on furnishing bail bonds to
the satisfaction of the Arresting Officer subject to the condition that

he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. It has been further submitted that the efforts were made to explore the possibility of amicable settlement but the same could not fructify.

4. Learned State counsel, on instructions from Ranail Singh, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

5. Learned counsel for respondent No.2 has opposed the bail application on the score that the petitioner is not appearing in the proceedings under Section 125 Cr.P.C. instituted by respondent No.2 against him.

6. In the event the petitioner is not appearing and contesting the application under Section 125 Cr.P.C., it can't be termed to be a ground to decline anticipatory bail. The liability of petitioner as per the provisions of Section 125 Cr.P.C. will be adjudicated in those proceedings in accordance with law.

7. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 03.08.2023, vide which the petitioner has been granted interim bail, is made absolute.

8. Petition is allowed.

30.10.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No