

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14984-2023 (O&M)
Date of decision : 04.09.2023

Balkar Singh ... Petitioner(s)

Versus

State Of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Munish Puri, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0011 dated 06.03.2023 under Sections 498-A and 120-B of the Indian Penal Code, 1860 registered at Police Station Purana Shalla, District Gurdaspur (Annexure P-1).

2. On 24.03.2023 the following order was passed :

*“Notice of motion.
Mr. Jashandeep Singh, Assistant Advocate General,
Punjab, accepts notice on behalf of respondent No.1-
State. Ms. Rashika Bansal, Advocate, for Mr. Dheeraj
Mahajan, Advocate, accepts notice on behalf of
respondent No.2.*

Learned counsel for the petitioner as well as complainant state that issues between the parties can be settled by way of mediation and for the purpose, they may be referred to Mediation and Conciliation Centre of this Court.

Ordered accordingly.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 11.04.2023, and the Mediator shall submit his/her report before the next date of hearing.

The petitioner is also directed to pay an amount of Rs.35,000 as travelling and litigation expenses to the respondent-complainant on the day she joins mediation.

Adjourned to 08.05.2023.

In the meanwhile, petitioner's arrest shall remain stayed, to facilitate mediation between the parties."

Thereafter the parties appeared before the Mediation and Conciliation Centre of this Court. However, the Mediator had sought extension of time.

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated. Learned counsel would further contend that now the parties have since compromised the matter and the same has been reduced into writing on 01.09.2023. The compromise has been appended with the present petition. As per the compromise, the parties would file a petition under Section 13-B of the Hindu Marriage Act, 1955 as well as a petition for quashing of the FIR. The petitioner has also agreed to pay an amount of Rs.17,00,000/- as

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permanent alimony to the complainant-respondent No.2 and a Demand Draft of Rs.1,50,000/- is to be handed over to the complainant-respondent No.2 today i.e. on 04.09.2023. Today a Demand Draft bearing No.387667 dated 02.09.2023 amounting to Rs.1,50,000/- in favour of complainant-respondent No.2 has been handed over to her counsel in Court today.

4. Learned counsel for the complainant-respondent No.2 has reiterated that the parties have since entered into a compromise dated 01.09.2023 and the complainant-respondent No.2 would have no objection if the order dated 24.03.2023 is made absolute.

5. Learned counsel for the State, on instructions from ASI Mohinder Pal, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 24.03.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

04.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO