

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

207

CRM-M-17421-2022

Date of Decision: 02.03.2023

Amanpreet Singh Bhatia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. G.S. Kaura, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Jaswant Singh)Mr. Sumit Kalyan, Advocate for
Mr. G.S. Madaan, Advocate for respondent No.2
*****JAGMOHAN BANSAL, J. (ORAL)**

On 04.05.2022, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 11 dated 23.03.2022, registered under Sections 406 and 498-A of the IPC at Police Station Women Cell, Commissionerate, Jalandhar City, District Jalandhar.

At the very outset, learned counsel for the petitioner submits that the marriage of the petitioner was performed on 24.01.2010 with the complainant and out of the said wedlock, two sons, namely Joydeep Singh and Kunwar Partap Singh, were born.

Learned counsel further submits that the FIR is registered on 23.03.2022 and the complainant-wife left the matrimonial home two years ago. It is further submitted that though the petitioner is paying the school fees of both the sons, who are residing with complainant-wife, however, he is ready to explore the possibility of some amicable settlement and in order to show his bona fide, he will pay Rs. 10,000/- per month per child to the complainant for both the children till the time they are residing with her.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab and Mr. G. S. Madaan, who are present in Court, accept notice on behalf of the respondent-State and complainant, respectively.

Learned counsel for the complainant has not disputed that the marriage between the parties took place about 12 years ago and two children have born out of the said wedlock.

List again on 28.07.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

On or before the next date of hearing, the petitioner as well as complainant will file their respective affidavit about their property and income.

Considering the fact that the petitioner has shown his willingness to reconcile the matter and has also filed a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 16.05.2022 to explore the possibility of an amicable settlement.

On appearance of the parties before the Mediation and Conciliation Centre, a team of two Mediators will take up the matter.”

Learned counsel for the petitioner submits that in compliance of above order, he is paying Rs.10,000/- per month per child towards maintenance.

Affidavit dated 10.11.2022 of complainant is taken on record. Registry is directed to tag the same at appropriate place.

As per the said affidavit, the complainant is getting salary of Rs.25,000/- per month and her monthly expenses are Rs.45,000/-.

Learned State counsel, on instructions from ASI Jaswant Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 04.05.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

02.03.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*