

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

330

CRM-M-25634-2023 (O&M)

Date of Decision : 11.12.2023

JASBIR SINGH & ANR.

.... Petitioners

VERSUS

STATE OF PUNJAB & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.S. Bajwa, Advocate for the petitioners.

Mr. Mohit Thakur, AAG Punjab for respondent No.1.

Mr. Vipin 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 petitioners in FIR No.39 dated 06.05.2023 under Sections 498-A, 406 of the Indian Penal Code, 1860, registered at Police Station Qadian, District Gurdaspur.

2. On 19.05.2023 the following order was passed :

“Jasbir Singh and Hardavinder Kaur have filed petition under Section 438 of Cr.P.C. seeking anticipatory bail in FIR No.39 dated 06.05.2023 under Sections 498-A, 406 of IP.C. registered at Police Station Qadian, District Gurdaspur. It is argued that all the allegations levelled against them are false. The husband of the complainant is serving in Merchant Navy and at present he is in London. It is pointed out that the complainant is

suffering from some mental ailment and in support of that the petitioners have relied upon one OPD Slip of Dr. Atul's Neuro & Mental Health Solutions, Annexure P-2. It is pointed out that the complainant stayed in the matrimonial home for a very short duration. They are ready for mediation to sort out the differences. It is further pointed out that the father-in-law of complainant is suffering from serious ailment and he has placed on record medical certificate in this regard, which is Annexure P-3.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State.

Mr. Vipin Mahajan, Advocate has filed vakalatnama on behalf of respondent No.2/complainant which is taken on record. He has denied all the allegations levelled by the petitioners. It is pointed out that the petitioners have concealed material fact from this Court as the husband has already filed a divorce petition against the complainant. Regarding mediation, it is pointed out that the matter can be resolved only with the husband.

Considering the aforesaid situation, the arrest of both the petitioners is stayed till next date, subject to the joining of investigation.

Adjourned to 10.08.2023.

Status report be filed by respondent-State by the adjourned date.”

Thereafter, the parties stated that there was a chance of an amicable settlement and accordingly, they were directed to remain present before this Court. On 07.12.2023, in principle, the parties have agreed to settle the matter for an amount of Rs.30,00,000/- to be paid by the petitioners to respondent No.2 towards full and final settlement. Subsequently, the parties appeared before the Mediation and Conciliation Centre of this Court for drawing up the compromise. Written compromise dated 07.12.2023 is on the record.

3. Learned counsel for respondent No.2 has expressed his apprehension that the petitioners would back out of the compromise in case the order granting them interim protection is made absolute.

4. Learned counsel for the petitioners has assured this Court that the petitioners would not withdraw from the compromise.

5. Learned counsel for the State, on instructions from ASI Manjit Singh, has stated that the petitioners have since joined investigation and have fully cooperated and that they are no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 19.05.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners 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.

11.12.2023

Aman Jain

(ALKA SARIN)

JUDGE

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO