

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27383 of 2023 (O&M)
Date of decision: 13th September, 2023

Sandeep Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Bhavna Kapur, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

Mr. Nippun Sharma, Advocate
along with the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.36505 of 2023

In view of the averments made in the application and in the interest of justice, the same is allowed and the affidavit of the complainant (Annexure P-6) is taken on record.

CRM No.36506 of 2023

Since the matter already stands listed for today, the instant application for advancing the date of hearing has been rendered infructuous and stands dismissed as such.

CRM No.35796 of 2023

In view of the averments made in the application and in the interest of justice, the same is allowed and the settlement agreement

(Annexure P-4) and the petition filed under Section 13-B of the Hindu Marriage Act (Annexure P-5) are taken on record.

CRM-M No.27383 of 2023

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.101 dated 29.03.2018 under Sections 307, 364-A, 328, 323, 201, 379, 120-B IPC registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. On the last date of hearing, i.e. 28.08.2023, following order was passed by this Court:-

“Learned counsel appearing for the petitioner submits that it is essentially on account of a matrimonial dispute between the petitioner and her husband i.e. the complainant, that the FIR in question came to be lodged. However, after the registration of FIR in question, parties have amicably settled their dispute. It has also been submitted that petition under Section 13-B of the Hindu Marriage Act has been filed before the Family Court at Kapurthala, wherein first motion statements of the parties have been recorded. She submits that second motion is to be recorded today.

Learned counsel appearing for the complainant has, however, strongly controverted the submissions made by the counsel for the petitioner with respect to the matter having been amicably settled. He submits that no doubt, first motion statement of the parties had indeed been recorded before the Family Court in a petition filed under Section 13-B of the Hindu Marriage Act, however, today the petitioner had back out of the said settlement as she has

refused to get her second motion statement recorded. He, thus, submits that he has instructions to say that compromise effected between the parties stands terminated.

Learned State counsel, on instructions from ASI Harish Kumar, submits that as many as 37 prosecution witnesses have been cited, however, none of them have been examined after the charges were framed on 25.03.2020.

Learned counsel appearing for the petitioner has feigned ignorance about the petitioner having taken a U-turn before the Family Court. She prays for a short adjournment to verify the authenticity of the statement made by learned counsel for the complainant in the Court today.

On her request, adjourned to 13.09.2023.”

3. The complainant, who is present in person along with his counsel, has not disputed that the matter stands amicably settled between the parties and second motion statement of the parties in the petition filed under Section 13-B of the Hindu Marriage Act, 1955, has also been recorded, as a result of which the decree of divorce has been passed on 28.08.2023.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In the wake of settlement arrived at between the parties, as a result of which decree of divorce already stands passed by the learned Principal Judge, Family Court at Kapurthala, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is

allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 13, 2023
rps

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