

In the High Court of Punjab and Haryana at Chandigarh

206

CRM-M-34465 of 2021 (O&M)

Date of Decision: 12.1.2023

Amandeep Singh

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Barjinder Singh, Advocate
for the petitioner
Mr. Amish Sharma, AAG, Punjab
Mr. B.S.Bairagi, Advocate
for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 27.7.2022, following order was passed :-

“Petitioner is seeking anticipatory bail in case bearing FIR No.50 dated 07.07.2021 under Sections 406, 498-A IPC, registered at Police Station Women, Patiala. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 24.11.2019. A male child was born from the wedlock. The matrimonial dispute has cropped up between the parties on account of temperamental differences.

Even at the earlier instances, the matrimonial dispute was amicably settled between the parties.

In terms of the order dated 24.08.2021, the

matter was referred to Mediation and Conciliation Center of this Court and to enable the petitioner to join the mediation proceedings, the arrest of the petitioner was stayed. However, the mediation was unsuccessful. Consequently, the interim protection granted to the petitioner was vacated on May 27, 2022.

Learned counsel for the petitioner further contends that the parents of the petitioner have been granted anticipatory bail by the Court of Sessions. During the course of proceedings in the Mediation and Conciliation Center, the complainant had accompanied the petitioner to the matrimonial house. She had submitted an application bearing CRM-43912- 2021 alleging that the petitioner had refused to purchase the bus ticket and had also abused and beaten her. He had also given the names of Mahinder Singh, Ex-Sarpanch, Kuldeep Singh and Surjit Singh, Panchs who tried to intervene in the matter. The affidavits of Mahinder Singh, Ex-Sarpanch; Harjinder Singh, Panch and Kuldeep Singh, Panch have been placed on record which tend to falsify the version of the complainant. It has been mentioned in the affidavit that no one had given beatings to the complainant.

It may be mentioned here that on 12.07.2022, learned counsel for the complainant had submitted that the deponents of the aforesaid affidavits intend to furnish further affidavits to controvert the allegations as mentioned in the aforesaid affidavits. However, learned counsel for the complainant fairly submits today that the aforesaid 3 persons have refused to give any

further affidavit.

Adjourned to 23.09.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that petitioner has joined investigation on 29.7.2022.

Learned State counsel, on instructions from HC Deepak Kumar, confirmed the aforesaid fact and states that no custodial interrogation is required. He further submits that investigation is almost complete and within one month challan would be presented.

Learned counsel for the complainant submits that vide order dated 10.10.2022, the trial court has awarded maintenance of Rs. 7000/- per month, however, petitioner is not making payment towards maintenance which shows conduct of the petitioner.

On being confronted with this fact, learned counsel for the petitioner submits that till date petitioner has already paid a sum of Rs. 20,000/- and he further undertakes to clear all outstanding dues on or before 28.2.2023.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 27.7.2022 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.

All pending misc. applications, if any, stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No