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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31959-2023
Date of decision: 15.11.2023

HARMANJIT SINGH

VERSUS

...PETITIONER

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Maninderjit Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Karan Choudhary, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1.
- On 06.07.2023, the following order was passed:-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No. 0037 dated 05.06.2023 under Sections 406 and 498-A IPC registered at Police Station Behrampur, District Gurdaspur.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 11.04.2021 and a daughter has been born from the wedlock. The petitioner is serving in Indian Navy and presently posted in Mumbai. As per the allegations in the FIR, the parents of the petitioner had given beatings to the complainant and turned her out of the matrimonial house. The complainant had stayed with the petitioner at the place of posting for a period of about 04 months and for most of the period after marriage, she had been staying with the parents of the petitioner in his parental house in village Kathialai, District Gurdaspur. As per the complainant, the allegations were levelled against the petitioner and his parents. An inquiry in the matter was conducted and the parents of the petitioner were found to be innocent. The FIR has been registered only against the petitioner. The complainant has instituted a petition under Section 125 Cr.P.C. and the petitioner has instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage. However, the petitioner is ready and willing to amicably settle the matrimonial dispute.

3. On the oral request of learned counsel for the petitioner, the complainant i.e. Gagandeep Kaur wife of Harmanjit Singh, resident of Sander, Behrampur, Gurdaspur, Punjab is impleaded as respondent No.2. Registry to carry out the necessary

- correction in the memo of parties.*
- 4. Notice of motion.*
- 5. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.*
- 6. Mr. Karan Choudhary, Advocate, has appeared on behalf of the complainant and placed on record memorandum of appearance. He has sought to dispute the allegations as put forth by the petitioner but fairly submitted that he is not averse to exploring the possibility of amicable settlement through process of mediation.*
- 7. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 28.07.2023.*
- 8. The petitioner shall also pay a sum of Rs.30,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.*
- 9. The report be awaited for 13.09.2023.*
- 10. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”*

2. As per the report received from the Mediator, there is no possibility of amicable settlement between the parties.
3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.
4. On instructions from ASI Kanchan Kishore, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.
5. In view of the aforesaid submissions, the order dated 06.07.2023, granting interim bail to the petitioner is made absolute.
6. The petition is allowed.

15.11.2023

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(VIVEK PURI)
JUDGE