

2023:PHHC:132100

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38739-2022
Date of decision: 10.10.2023

BALWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Petitioner-in person.

Mr. Hitten Nehra, Addl. A.G., Punjab.

Respondent No. 2-in person.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 0040, dated 19.07.2022, under Sections 498-A IPC registered at Police Station PS Women, District Patiala (Annexure P-1).

2. On 22.12.2022, the following order was passed by the Co-ordinate Bench:-

“This Court has interacted with both the parties present in person along with their counsel. Petitioner has submitted before this Court that the petition under Section 13-B of Hindu Marriage Act has already been filed and in the past, he has withdrawn his consent as he wants to reconcile all the issues with his wife. He has submitted that the elder son is with him who is suffering from Down Syndrome. However, the complainant has opposed the submissions made by the petitioner and submits that the petitioner always keep on threatening her and he backs out of the proceedings under Section 13-B of the Hindu Marriage Act in extraneous reasons.

Learned State counsel submits that the petitioner was not directed to join investigation and hence, the matter is under investigation till date.

Accordingly, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation

before the Investigating Agency/Officer on 23.12.2022 at 10:00 AM. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.

List on 25.04.2023.”

3. The report of the Mediator has been received, the parties have settled their dispute by way of amicable settlement.

4. The petitioner contends that in pursuance of the interim directions, the petitioner had joined the investigation and he undertakes to comply with the terms of the settlement/agreement.

5. Learned State counsel on instructions from H.C. Mohinder Singh, submits that the petitioner shall join the investigation and his custodial interrogation is not required.

6. Respondent No. 2 has also not disputed the fact of amicable settlement.

6. In view of the aforesaid submissions, the order dated 22.12.2022, granting interim bail to the petitioner is made absolute.

7. The petition is allowed.

10.10.2023

manoj

(VIVEK PURI)
JUDGE

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