

CRM-M-38843-2023

2023:PHHC:148333

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-38843-2023

Date of decision: 21.11.2023

PRABHDEEP SINGH CHAHAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. C.S. Rana, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Amandeep Singh Sidhu, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No. 49 dated 18.07.2023, under Sections 498-A and 406 IPC registered at Police Station Women, District Police Commissionerate, Ludhiana.

2. On 09.08.2023, the following order was passed by this Court:-

"1. The petitioner is seeking anticipatory bail in the case bearing FIR No. 49 dated 18.07.2023 under Sections 498-A and 406 IPC registered at Women Police Station, District Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with the complainant on 05.03.2022. Although, the allegations were levelled against the parents of the petitioner but they have been found to be innocent and the FIR has been registered only against the petitioner. The

complainant is residing separate from the petitioner since July, 2022. The complainant is working as Nurse in a private hospital at Ludhiana and she is insisting that the petitioner should shift his residence from the village to Ludhiana City. The petitioner is ready and willing to return the articles of istridhan which are in his possession. Even the petitioner remained admitted in Dayanand Medical College & Hospital, Ludhiana for a period of seven days but the complainant never took care of him. Furthermore, the petitioner is ready and willing to amicably settle the matrimonial dispute.

3. On the oral request of learned counsel for the petitioner, complainant i.e. Gurpreet Kaur daughter of Gursharan Singh, resident of house no.245, ward no. 6, near post office Sahnewal, Ludhiana 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. Amandeep Singh Sidhu, Advocate, has put in appearance on behalf of the complainant/respondent No.2. He seeks to dispute the allegations as put forth by the petitioner bur fairly submits that respondent No.2 is not averse to exploring the possibility of amicable settlement through mediation.

7. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 31.08.2023.

8. The petitioner shall also pay a sum of Rs.20,000/- 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 14.10.2023.

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.

3. As per the report of the Mediator, the dispute has been amicably settled between the parties. As per the settlement/agreement, the petitioner shall pay a sum of Rs. 7 lacs on account of permanent alimony and a petition under Section 13-B of the Hindu Marriage Act shall be moved for dissolution of marriage on mutual consent.

4. Learned counsel for the petitioner submits that in pursuance of the interim directions, the petitioner has joined the investigation.

5. Learned State counsel on instructions from ASI Harjinder Singh submits that the petitioner has joined the investigation and his custodial interrogation is not required.

6. Learned counsel for the complainant/respondent No.2 has also admitted the fact of amicable settlement having been effected between the parties.

7. In view of the aforesaid submissions, the order dated 09.08.2023, granting interim bail to the petitioner is made absolute.

The petition is allowed.

21.11.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No