

CRM-M-40960-2022

2023:PHHC:147016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-40960-2022

Date of decision: 20.11.2023

ARSHDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.P.S. Sidhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Nitin Narula, Advocate
for the complainant.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No. 121 dated 11.06.2022, under Sections 406 and 498-A IPC registered at Police Station Baghapurana, District Moga (Punjab).
2. On 08.09.2022, the following order was passed by the co-ordinate Bench:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.121, dated 11.06.2022, under Sections 406/498-A IPC, registered at Police Station Baghapurana, District Moga (Punjab).

It has been contended by counsel for the petitioner that petitioner was married with complainant on 15.12.2018. He has submitted that thereafter due to some temperamental differences, the

matrimonial discord took place between both of them and as a result the complainant left the matrimonial home. He submits that allegations pertaining to harassment caused on account of demand of dowry and beating etc. are totally false and frivolous. Counsel further submits that the observations made by learned Vacation Judge, Moga, while rejecting anticipatory bail of the petitioner is that earlier there was a compromise between the couple and the cheque issued by the petitioner was dishonored. Counsel for the petitioner submits that petitioner is ready to settle the dispute amicably de hors the allegations against him. He has submitted that if the matter is referred to the mediation Centre, the matter can be amicably resolved. He further submits that in view of the above facts, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 10.10.2022.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Let respondent No.2 be served for the date fixed. Dasti also.

The petitioner would pay litigation expenses of Rs.25,000/- to respondent No.2 on her appearance.

State is directed to file status report on or before the next date of hearing.

Till the next date of hearing, no coercive action be taken against the petitioner.

3. Learned counsel for the petitioner contends the matrimonial dispute has been amicably settled in the Mediation and Conciliation Centre of this Court and further more in pursuance of the amicable settlement the

petitioner and the complainant have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of the marriage by mutual consent in the learned Family Court at Moga. Furthermore, the petitioner has joined the investigation in pursuance of interim directions.

4. On instructions, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.

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

6. In view of the aforesaid submissions, the order dated 08.09.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

20.11.2023
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(VIVEK PURI)
JUDGE

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