

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45606-2022

Date of Decision: 27.07.2023

SUKHWINDER KUMAR ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. C.L.Verma, Advocate for respondent No.2.

* * * *

VIVEK PURI, J. (ORAL)

1. On 30.09.2022, following order was passed:

“The petitioner is seeking anticipatory bail in case bearing FIR No.109 dated 20.07.2022 under Sections 406 and 498-A IPC registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with complainant/respondent No.2 on 14.05.2021. It was third marriage of the petitioner. Unfortunately, his first wife had expired and second marriage ended in divorce. It was also second marriage of the complainant and her first marriage had also ended in divorce. There are false and vague allegations levelled in the FIR. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for Restitution of Conjugal Rights even prior to the submission of complaint by the complainant on the basis whereof, the FIR has been registered. The FIR is a counter blast to the proceedings initiated by the petitioner for Restitution of Conjugal Rights. The petitioner is ready and willing to amicably settle the matrimonial dispute.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.11.2022.

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.

The report be awaited for 01.02.2023.

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. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation. Furthermore, the dispute could not be amicably settled through mediation or even otherwise. The petitioner is not in a position to part ways with respondent No.2 as he has already instituted a petition under Section 9 of the Hindu Marriage Act.
3. Learned State counsel, on instructions from ASI Balwinder Kaur, has not disputed the fact that the petitioner has joined the investigation and further submitted that the custodial interrogation of the petitioner is not required.
4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 30.09.2022 is made absolute.

27.07.2023

Janki

(VIVEK PURI)
JUDGE

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