

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52392-2022 (O&M)
Date of Decision : 19.07.2023

Visakha Singh

....Petitioner

VERSUS

State of Punjab and Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. B.S.Sharma, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG Punjab for respondent No.1.

None for the respondent No.2/complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.111 dated 16.07.2022 registered under Sections 406, 498-A of the Indian Penal Code, 1860 at Police Station PS Women, District Ludhiana.

2. On 14.11.2022 the following order was passed :

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.111, dated 16.07.2022, under

Sections 406 and 498-A IPC, registered at Police Station Women, District Ludhiana.

It has been contended by counsel for the petitioner that marriage of the petitioner was solemnized with the complainant on 17.06.2020. He submits that on account of unreasonable temperament of the complainant, there arose a matrimonial discord between petitioner and the complainant. He submits that despite the best efforts of the petitioner and his family members, the complainant left the matrimonial home and lodged the present FIR on the basis of false and frivolous allegations. He further submits that the complainant hardly remained in the matrimonial home for about 4-5 months. He submits that the petitioner has no criminal antecedents. He has further submitted that in view of the above-mentioned facts, no case for custodial interrogation is made out, however, he 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. It is further submitted that even now the petitioner is ready to settle the dispute amicably if the matter is referred to Mediation and Conciliation Centre.

Counsel for the petitioner undertakes to implead the complainant as respondent no.2 in the petition and file amended memo of parties within a week from today.

Issue notice of motion for 27.02.2023.

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

On filing the amended memo of parties by counsel for the petitioner, complainant be served for the date fixed.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to complainant within a one month from today.

In the meanwhile, 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. 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.”

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

3. Report of the Mediator has been received. The parties have since entered into a compromise on 16.05.2023.

4. Learned counsel for the petitioner would contend that a petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed and statements of the parties on the first motion have already been recorded.

5. Learned counsel for the State, on instructions from SI Meet Ram, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 14.11.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

July 19, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO