

211/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49743-2023
Date of Decision: 24.11.2023

GURJINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarbjit Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. L.S.Lakhanpal, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. On 09.10.2023, following order was passed :

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.149 dated 17.08.2023 registered under Sections 498-A/406/323 IPC at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner contends that the marriage of the petitioner and complainant/respondent No.2 was solemnized on 17.02.2022 but no child has been born from the wedlock. The FIR has been lodged on the basis of false allegations with regard to attempt to kill her by throttling which is not supported with any medical evidence. Respondent No.2 had voluntarily left the matrimonial house on 12.04.2023 and had taken the articles of Istridhan with her. She had submitted an undertaking Annexure P-1 in this regard. The petitioner has also instituted a petition under Section 9 of Hindu Marriage Act for restitution for conjugal rights even prior to the registration of the FIR. The parents of the petitioner have been granted interim bail and furthermore, the petitioner is ready and willing to amicably settle the matrimonial dispute.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

5. Mr. L.S.Lakhanpal, Advocate has filed memo of appearance on behalf of respondent No.2.

6. Learned counsel for the respondent No.2 has sought to dispute the factual assertions as put forth on behalf of the petitioner but has submitted that respondent No.2 is not averse to explore the possibility of amicable settlement.

7. The petitioner and respondent No.2 are directed to appear before the Mediation and Conciliation Center of this Court on 30.10.2023. On appearance of respondent No.2 before the Mediator, the petitioner shall pay a sum of Rs. 20,000/- to facilitate her presence and participation in the mediation proceedings.

8. Report of the Mediator be awaited for 24.11.2023.

9. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

10. To be heard with **CRM-M-45505-2023.**”

2. As per the report received from the Mediation and Conciliation Center, the matrimonial dispute has been amicably settled between the parties.

3. Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties and in pursuance of the interim directions, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from ASI Naresh Kumar, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

5. Learned counsel for the complainant has also not disputed the fact of amicable settlement between the parties.

6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 09.10.2023 is made absolute.

24.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No ;

Whether reportable : Yes/No