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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53998-2022 (O&M)
Date of decision : 13.10.2023

Puneet Kumar Sharma

... Petitioner(s)

Versus

State of Punjab & Anr.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. B.D. Sharma, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0083 dated 17.09.2022 under Sections 498-A and 406 of Indian Penal Code, 1860 registered at Police Station Women Cell, District Jalandhar (Annexure P-1).

2. On 21.11.2022 the following order was passed :

“Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.0083 dated 17.09.2022, under Sections 498-A and 406 of IPC, registered at Police Station Women Cell, District Jalandhar.

It has been contended by learned Senior counsel that the petitioner solemnized marriage with the complainant on 07.12.2008. He further submits that thereafter, they are blessed with two daughters. He submits that the matrimonial discord between the husband and wife is for the petty reasons and not on account of the alleged demand of dowry etc. as alleged in the FIR. He submits that on the earlier occasion also, the complainant-wife filed FIR No.11 dated 18.03.2011, under Sections 498-A and 406 of IPC. He submits that the petitioner went to Bahrain where some dispute took place and he duly returned back to India, however, the complainant again lodged the present FIR on the basis of false and frivolous allegations. He has submitted that the petitioner is presently employed in Delhi and in order to restrain him from going to Bahrain, she lodged the present FIR. He has relied upon judicial precedent of the Hon'ble Apex Court in Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrL.) 449 and submits that the petitioner has no criminal antecedents and in view of the above mentioned facts, no case for custodial interrogation of the petitioner is made out. However, petitioner is ready to join investigation.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State. List on 13.03.2023.

In the meantime, 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.”

3. Thereafter, the parties appeared before this Court and this Court had interacted with them. Subsequently, the parties have arrived at a compromise. Today in the pre-lunch session the matter was sent before the Mediation and Conciliation Centre of this Court for drawing up a compromise.

4. Now the matter has been taken up in the post lunch session. The parties have drawn up their compromise dated 13.10.2023 before the Mediation and Conciliation Centre of this Court and have resolved all their disputes and are now cohabiting together. The admission of both the children has now been done in Shri Venkateshwar International School, Sector 18, Dwarka, New Delhi. Respondent No.2 has undertaken to withdraw all the cases which were initiated by her.

5. Learned counsel for respondent No.2 has stated that in view of

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the compromise dated 13.10.2023, he would have no objection if the order dated 21.11.2022 is made absolute.

6. Learned counsel for the State, on instructions from ASI Vijay Kumar, has submitted that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned State counsel would further contend that in view of the compromise between the parties, he has no objection if the order dated 21.11.2022 is made absolute.

7. In view of the above, the order dated 21.11.2022 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

13.10.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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