



Sr. No.214(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22106-2024
Date of decision: 22nd August 2024

PARMINDER SINGH**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. P.S. Bindra, Advocate and
Mr. Nikhil Ghai, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Deepak Sabherwal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.23 dated 18.03.2024, under Sections 313, 323, 406, 498-A IPC, 1860, registered at Police Station Women, District Ludhiana (Annexure P-1).

2. On 06.05.2024, following order was passed:-

“xxx xxx xxx xxx

2. *Learned Senior Counsel for the petitioner inter alia contends that it is a matrimonial dispute. The marriage of the petitioner and respondent No. 2 was solemnized on 21.09.2009 and they have also two daughters who are in custody of respondent No. 2-complainant.*

2.1 *Learned Senior Counsel for the petitioner very candidly offered that during the pendency of matrimonial litigation, the petitioner would continue paying a sum of Rs.1,00,000/- per month for maintenance of both the minor children.*



3. *Keeping in view the facts and circumstances of this case, in the opinion of this Court, it is a fit case for making a reference to mediation.*

4. *Notice of motion.*

5. *On the asking of the Court, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State.*

6. *Mr. Deepak Sabherwal, Advocate, accepts notice on behalf of respondent No. 2-the complainant and has filed his power of attorney in Court today. The same is taken on record. He has also supplied the bank account details of respondent No. 2-complainant which are given as under:-*

(i) Account No. 50100424655376

(ii) Bank Name. HDFC

(iii) IFSE Code. HDFC0002769

(iv) Branch:- Barewal Awana II

(v) Account Holder Name:- Harmandeep Kaur

7. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 10.05.2024 at 10:00 a.m. for exploring the possibility of an amicable settlement.*

8. *To await the report, list on 20.05.2024.*

9. *Costs of litigation of Rs.30,000/- be paid to respondent No. 2. The petitioner shall deposit the said amount in the aforesaid account of respondent No. 2-complainant before 10.05.2024.*

9.1 *The petitioner shall remain bound by the undertaking given on his behalf regarding payment of maintenance to minor children each month.*

10. *Subject to complying the above, the arrest of the petitioner shall remain stayed, till the next date of hearing. The petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned."*

3. Learned counsel for the petitioner contends that the petitioner is regularly paying a sum of Rs.1,00,000/- per month *qua* maintenance to both the children in terms of the order dated 06.05.2024. The petitioner has also handed over the documents i.e. the educational certificates of both the minor children, birth



to the Investigating Officer in terms of the order dated 08.07.2024 and recovery memo was prepared by the Investigating Officer on 19.07.2024.

4. The allegations and counter-allegations would be a matter of trial. The petitioner is ready to join investigation and he is ready to take care of the financial requirements of the minor children, who are in custody of the complainant/respondent No.2.

5. Keeping in view the aforesaid facts and circumstances of the case and without making any comment on the merits of the case, the petition is allowed subject to the following conditions:-

“(i) That the petitioner is directed to join investigation within a period of 10 days and thereafter as and when required and in the event of arrest, he shall be released on bail upon his furnishing bail/surety bonds to the satisfaction of the Investigating Officer/SHO of the Police Station concerned and he would subsequently continue cooperating with the Investigating Agency.

(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 the prior permission of the Trial Court/CJM concerned.

(iv) That the petitioner shall also continue abiding by the undertaking of deposit of Rs.1,00,000/- per month to the minor children in terms of the order dated 06.05.2024.

6. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated in this order and under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.



7. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd August 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No