

CRM-M-36473-2024
Date of decision: 16.10.2024

...PETITIONER

...RESPONDENT

Notice of motion.



Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of the respondent-State.

Mr. Aayush Gupta, Advocate puts in appearance on behalf of the complainant and files his memorandum of appearance which is taken on record. He is directed to file his power of attorney on or before the next date of hearing with the Registry of this Court.

In view of the above, let the matter be listed for further consideration on 09.08.2024.

In the meantime, any proposal to arrest the petitioner be kept in abeyance.”

3. Learned counsel for the petitioner *inter alia* contends that matrimonial dispute has been ensued between the petitioner and his wife due to temperamental differences and the maximum sentence under which, the FIR (supra) has been registered, is punishable up to 05 years. Further, no notice under Section 41-A Cr.P.C. has been served upon the petitioner and during the pendency of the present petition, the parties were directed to appear before the Mediation and Conciliation Centre of this Court and the petitioner and his wife have amicably settled their dispute.

4. Learned counsel for the complainant affirms the factum of compromise between the parties and submits that he has no objection, in case, the petitioner is granted the relief of anticipatory bail.

5. In view of the aforesaid facts and circumstances and the law enunciated by the Hon’ble Supreme Court in ***Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273*** and ***Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833***, at the first instance, petitioner is directed to appear before the



Investigating Officer within a period of one week and on his doing so or in the event of his arrest, the petitioner shall be admitted to anticipatory bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer as and when required and abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

7. However, nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

8. The instant petition stands disposed of in above terms.

October 16, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No