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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52369-2023 (O&M)
Date of Decision: 19.03.2024

HARDEEP SINGH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Salana, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Nagar Singh, Advocate for respondent No.2/complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.114 dated 13.08.2023, under Sections 406 and 498-A IPC registered at Police Station Amloh, District Fatehgarh Sahib.

2. On 01.12.2023, the 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.114 dated 13.08.2023, registered under Sections 406/498-A IPC, 1860 at Police Station Amloh, District Fatehgarh Sahib.*

2. Status report by way of affidavit of Harpinder Kaur Gill, PPS, Deputy Superintendent of Police, Circle Amloh, District Fatehgarh Sahib on behalf of the respondent-State has been filed and the same is taken on record.

3. Mr. G.S.Bhinder, Advocate has put in appearance on behalf of the respondent No.2 and filed Vakalatnama, which is taken on record.

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 22.08.2018 and a daughter has been born from the wedlock. Respondent No.2 is residing in her parental house since March, 2022. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for restitution of

conjugal rights. Respondent No.2 has also initiated proceedings for maintenance against the petitioner. The primary allegations against the petitioner are to the effect that he is a drug addict. Furthermore, the petitioner is ready and willing to amicably settle the matrimonial dispute.

5. Learned counsel for respondent No.2 has submitted that respondent No.2 is not averse to exploring the possibility of amicable settlement through the process of mediation.

6. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.12.2023.

7. To await the report, list on 24.01.2024.

8. However, the petitioner shall pay a sum of Rs.30,000/- to respondent No.2 on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

9. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

3. The mediation proceedings between the parties have not fructified.

4. Learned State counsel, on instructions from ASI Jarnail Singh, has stated that pursuant to the order dated 01.12.2023 the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious & hence he does not deserve the concession of pre arrest bail.

5. In view of above, the petition is allowed and interim order dated 01.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

19.03.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No