



Sr. No.209

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-62528-2023
Date of decision: 24th September 2024

LAKHVIR SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
assisted by ASI Bhupinder Singh.

Mr. Kulwinder Singh, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.69 dated 31.10.2023, under Section 498-A IPC, 1860, registered at Police Station Women, Bathinda, District Bathinda (Annexure P-1).
2. On 13.12.2023, the matter was referred to Mediation and Conciliation Centre of this Court and the following order was passed:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia contends that the petitioner is serving in the Indian Army and he has even submitted his resignation which is yet to be executed and he is ready to join the investigation.

He further submits that the petitioner has also filed a divorce petition, which is pending adjudication before the Family Court, Mansa. As per the order passed by the learned Additional Sessions Judge,



Bathinda, the petitioner has even joined the proceedings, however the mediation failed.

Notice of motion.

Having received advance copy of the petition, Mr. G.S. Sandhu, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

Mr. Kulwinder Singh, Advocate, accepts notice on behalf of respondent No. 2-complainant and has filed his power of attorney in Court today, which is taken on record.

Counsel for respondent No. 2-complainant submits that the complainant is presently in a family way having 09 months pregnancy.

Counsel for the petitioner further submitted that though the petitioner has filed a divorce petition but he is ready to settle the family dispute either way and let 1/4th salary of the petitioner be paid to the complainant keeping in view the fact that she is in a family way.

Adjourned to 01.03.2024.

Since the complainant in a family way, so at this stage, it is not in the interest of parties to refer the matter for mediation. However, the parties shall appear before the Mediator of the Mediation and Conciliation Centre of this Court on 09.02.2024. The Mediator shall send her/his report by the next date of hearing. The petitioner shall regularly pay the amount equal to 1/4th of his salary by 10th of each month to respondent No. 2- complainant during the pendency of the present petition.

In these terms, the arrest of the petitioner shall remain stayed.”

3. Learned counsel for the complainant has informed that a male child was born thereafter.
4. Though there is a request for extension of time by the Mediator, however, the time has been extended twice.
5. Learned counsel for the petitioner contends that the petitioner is



each date of hearing. However, subject to the decision of the matrimonial dispute between the parties, the petitioner would continue paying 1/4th of his salary, in compliance of the order dated 13.12.2023. It is further contended that the petitioner is ready to join investigation and cooperate with the Investigating Agency.

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

“(i) That the petitioner shall join the investigation within a period of one month and thereafter as and when required by the Investigating Agency and in event of arrest, the petitioner shall be released on bail upon his furnishing bail bonds for a sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/SHO of the Police Station concerned.

(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 would adhere to the undertaking given on his behalf, which has been recorded in the Court vide order dated 13.12.2023.

7. However, it is made clear that the payment of the said amount towards maintenance of the minor child would be subject to the final decision



of the matrimonial litigation between the parties by the Court of competent jurisdiction. In case, any compromise is arrived at between the parties subsequently or any decision is to be passed by the Court of competent jurisdiction, this undertaking would not be considered to be an impediment.

8. Liberty is also reserved in favour of the State/complainant to move for cancellation/recall 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.

(HARPREET KAUR JEEWAN)
JUDGE

24th September 2024
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No