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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2633-2025

Date of Decision:- 07.03.2025

**Kapoor Singh Gill @ Kapor Singh Gill**

...Petitioner

Versus

**State of Punjab and another**

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**Present:- Mr. Amandeep Singh Jawandha, Advocate  
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Monty Goyal, Advocate  
for respondent No. 2.

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**AMARJOT BHATTI, J. (Oral)**

1. Petitioner Kapoor Singh Gill @ Kapor Singh Gill has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 13.12.2024 (Annexure P-11) passed by learned Additional Sessions Judge, Ludhiana, whereby cancelled anticipatory bail granted to petitioner vide order dated 13.03.2023 (Annexure P-5) in FIR No. 0007 dated 18.01.2023 under Section 406, 498-A, 34 IPC registered at Police Station Women District Commissionerate Ludhiana (Annexure P-1).

2. Learned counsel for petitioner raised the argument that respondent No. 2 lodged false FIR against petitioner and his mother.



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Matrimonial dispute started between husband and wife and present petitioner had filed petition under Section 13 of Hindu Marriage Act for dissolution of marriage on 06.09.2022 (Annexure P-2). Against the aforesaid petition, respondent No. 2 filed a false case as a result, present FIR No. 7 dated 18.01.2023 (Annexure P-1) was registered. In Mediation and Conciliation Centre, matter was compromised vide compromise dated 23.02.2023 (Annexure P-4). Thereafter, petitioner and his mother Rajinder Kaur were granted anticipatory bail vide order dated 13.03.2023 (Annexure P-5). In pursuance of this, matter was put up in Lok Adalat vide order dated 23.02.2023 (Annexure P-6) and divorce petition was withdrawn as per order dated 18.03.2023 (Annexure P-7). Despite aforesaid compromise, challan has been presented in aforesaid FIR (Annexure P-8). It is pointed out that respondent No. 2 failed to get FIR quashed in pursuance of compromise. Petitioner has filed petition for quashing of FIR bearing CRM-M No. 61608 of 2024, which is pending for 17.02.2025. Learned Additional Sessions Judge, Ludhiana by passing impugned order dated 13.12.2024 (Annexure P-11) cancelled bail order granted in his favour vide order dated 13.03.2023 (Annexure P-5) without considering that there was no violation of terms and conditions of compromise on the part of present petitioner. Since aforesaid FIR was not quashed, therefore, he did not transfer his share in Plot No. 445, Sector 114, Ansal APL Kharar-Landran Road, Mohali. After compromise, present petitioner had gone to Goa on vacation with his family. Photographs are Annexure P-12. Therefore, there was no valid reason for learned Additional Sessions Judge, Ludhiana to pass impugned order dated 13.12.2024 (Annexure P-11) vide which



anticipatory bail order dated 13.03.2023 (Annexure P-5) was wrongly cancelled. Therefore, impugned order is liable to be set aside and order dated 13.03.2023 (Annexure P-5) may kindly be restored.

3. On the other hand, learned counsel representing State as well as learned counsel for respondent No. 2 strongly opposed the present petition taking the stand that it was present petitioner who failed to fulfill the terms and conditions of compromise (Annexure P-4). Neither petitioner transferred his share in plot in favour of respondent No. 2 nor he filed any petition for quashing of FIR No. 7 dated 18.01.2023 (supra) on the basis of compromise. Since, it is the petitioner who changed his mind and violated the terms and conditions of compromise, thus, facts were rightly considered by learned Additional Sessions Judge, Ludhiana and bail granted in favour of petitioner on account of non compliance of terms of compromise, was rightly cancelled.

4. I have considered the arguments and have gone through the record carefully. Even during the pendency of present petition, effort was made for reconciliation between the parties and matter was sent to Mediation and Conciliation Centre which remained unsettled. Parties also appeared in Court in person, but no amicable settlement could be arrived at. At present in FIR No. 7 dated 18.01.2023 (supra), challan has been presented in Court, which is Annexure P-8. It is matter of record that petitioner was granted anticipatory bail on account of compromise arrived at between the parties vide order dated 13.03.2023 (Annexure P-5). It is an admitted fact that petitioner did not transfer his share in plot as per terms and conditions of compromise (Annexure P-4) and at the same time, he did



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not file any petition seeking quashing of FIR on the basis of compromise. Somehow said compromise could not materialize and thereafter, on the application filed by respondent No. 2, anticipatory bail has been cancelled vide impugned order dated 13.12.2024 (Annexure P-11). So far as allegations detailed in FIR are concerned, same is matter of trial. Challan is already presented and charges are yet to be framed. All efforts to effect compromise between the parties has already failed. Therefore, present petitioner will face trial in said FIR. As far now, investigation is complete. Challan has been presented. Therefore, no purpose is going to be serve by sending petitioner behind the bars.

In view of aforesaid factual position, without going on merits of the case, petition filed by petitioner Kapoor Singh Gill @ Kapor Singh Gill is allowed and impugned order dated 13.12.2024 (Annexure P-11) passed by learned Additional Sessions Judge, Ludhiana is accordingly quashed by restoring anticipatory bail order dated 13.03.2023 (Annexure P-5).

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

07.03.2025

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**(AMARJOT BHATTI)**  
**JUDGE**Whether speaking/reasoned:  
Whether reportable:Yes/No  
Yes/No