

2025:PHHC:012864



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

101

**CRM-M-2837-2025 (O&M)
Date of Decision : 28.01.2025**

GURVINDER SHARMA

.... Petitioner

VERSUS

STATE OF PUNJAB AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lalit Singla, Advocate and
Ms. Varsha Sharma, Advocate for the petitioner.

Mr. Pawan Kumar, DAG Punjab for respondent No.1
assisted by ASI Sukhpal Singh.

Ms. Shifa Arora, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a second petition filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0083 dated 27.05.2023 under Sections 323, 498-A, 406, 307, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur. The first petition being CRM-M-46627-2023 was dismissed on merits by this Court vide order dated 07.10.2023.

2. Learned counsel for the petitioner would contend that the change in circumstances in the present case are that the parties have since compromised the matter and that mutual consent divorce has also been granted to the parties on the basis of a compromise and their marriage stands

dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 vide order dated 06.08.2024.

3. Notice of motion.

4. Ms. Shifa Arora, Advocate appears and accepts notice on behalf of respondent No.2-complainant. She states that respondent No.2-complainant would have no objection if the present petition is allowed and the petitioner herein is granted the concession of pre-arrest bail in view of the fact that the parties have since compromised the matter.

5. Mr. Pawan Kumar, DAG Punjab has filed a status report by way of an affidavit dated 28.01.2025 of Rahul Kaushal, PPS, Deputy Superintendent of Police, Sub-Division Bhawanigarh, District Sangrur, which is taken on record. Registry to scan and tag the same at the appropriate place. It has been stated in the status report that the parties have since compromised the matter and that the marriage between the parties stands dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 on 06.08.2024. Learned State counsel on instructions from the concerned Investigating Officer has made a statement that the petitioner has neither been declared a proclaimed offender nor any such proceedings have been initiated and/nor pending against him.

6. Heard.

7. In the present case the parties have since compromised the matter and their marriage has already been dissolved by way of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Today counsel for respondent No.2-complainant has made a statement that

respondent No.2-complainant would have no objection if the petitioner is granted pre-arrest bail.

8. In view of the above, the present petition is allowed and it is directed that in case of arrest of the petitioner in connection with FIR No.0083 dated 27.05.2023 under Sections 323, 498-A, 406, 307, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Bhawanigarh, District Sangrur, he be admitted to anticipatory bail to the satisfaction of the Arresting Officer/Investigating Officer/SHO concerned subject to him joining the investigation with the Investigating Agency as and when called upon to do so and compliance of the conditions as contained under Section 438(2) of the Code of Criminal Procedure, 1973 [now Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023].

9. Pending applications, if any, also stand disposed off.

28.01.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*