

Sukhwinder Kumar vs The State Of Punjab on 25 March, 2021

Bench: N.V. Ramana, Aniruddha Bose

SLP(Crl.)No.4994/19

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ITEM NO.10

Court 2 (Video Conferencing)

SECTION II-B

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.) No(s).4994/2019

(Arising out of impugned final judgment and order dated 09-05-2019
in CRLMM No. 54186/2018 passed by the High Court of Punjab &
Haryana at Chandigarh)

SUKHWINDER KUMAR

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ANR.

Respondent(s)

IA No. 84330/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 84332/2019 - EXEMPTION FROM FILING O.T. Date : 25-03-2021 This matter was called
on for hearing today. CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA HON'BLE MR. JUSTICE ANIRUDDHA
BOSE For Petitioner(s) Mr. Ankur Yadav, AOR Mr. Aakash Kumar, Adv.

For Respondent(s) Ms. Jaspreet Gogia, AOR Ms. Ashima Mandla, Adv.

Ms. Mandakini Singh, Adv.

Mr. Karanvir Gogia, Adv.

Ms. Shivangi Singhal, Adv.

For R.No.2

Ms. Roopa Paul, Adv.
Mr. Satyendra Kumar, AOR

UPON hearing the counsel the Court made the following O R D E R The Court is
convened through Video Conferencing.

This petition is directed against order dated 09.05.2019 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Misc. No. M-54186 of 2018 whereby the High Court rejected the anticipatory bail application of the petitioner herein.

Learned counsel for the petitioner - husband submitted that his client filed a petition under Section 9 of the Hindu Marriage Act in order to rehabilitate respondent No.2 – wife but, on the contrary, she filed a complaint on 21.11.2017 under the Domestic Violence Act, which was compromised on 06.07.2018.

Learned counsel further submitted that no recovery of any articles is to be done from the petitioner as according to compromise dated 06.07.2018, everything was handed over to the complainant – wife, who is respondent No.2 herein and, therefore, ingredients of Section 406 IPC are not made out in the present case. Learned counsel also brought to our notice that on the same set of allegations, respondent No.2 – wife has filed FIR No.148 dated 14.08.2018 wherein the petitioner has been granted anticipatory bail by the High Court.

On the other hand, learned counsel for respondent No.2 – wife submitted that the petitioner filed petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights but he neither appeared before the Court nor withdrew the petition as per compromise dated 06.07.2018. Rather, the petition was dismissed in default by the Court. Learned counsel further submitted that respondent No.2 – wife still wants to go back to her matrimonial home along with her daughter and wants to live peacefully with the petitioner – husband. It has also been brought to our notice by the learned counsel that the petitioner – husband is not paying maintenance to respondent No.2 – wife on the ground that she is working.

Having heard the learned counsel for the rival parties, carefully perusing the material placed on record and taking into consideration the facts and circumstances of the case, the interim order dated 27.05.2019 is made absolute. However, the petitioner is directed to co-operate with the Investigating Agency.

In view of the submission of the counsel for the respondent that proceedings relating to maintenance are pending, and to ensure complete justice, we made a query to the counsel for petitioner about paying some maintenance amount. The counsel for petitioner was agreeable for the same, therefore, taking into consideration the fact that the daughter of the petitioner – husband is living with respondent No.2 - wife, we direct him to pay tentatively Rs.10,000/- (Rupees ten thousand only) per month towards maintenance to respondent No.2 – wife from April, 2021 onwards, without fail till the matter of maintenance filed by her is finally decided.

The special leave petition stands disposed of accordingly.

As a sequel to the above, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAJ RANI NEG
DEPUTY REGISTRAR