

ITEM NO.6
REVISED

COURT NO.11

SECTION IIB

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

CRL.M.P. No.9643/2015 in Petition(s) for Special Leave to Appeal
 (Crl.) No(s).2729/2015

(Arising out of impugned final judgment and order dated 13/02/2015
 in CRM No.29812/2014 passed by the High Court Of Punjab & Haryana
 At Chandigarh)

BHARAT SHARMA

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(For impleadment as party respondent and office report)

Date : 16/08/2016 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Subham Bhalla, Adv.
 Mr. Ritesh Khatri, Adv.

Mr. Sanchar Anand, AAG

Mr. Apoorv Singhal, Adv.

Mrs. Bhavna Gupta, Adv.

For Mr. Devendra Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The petitioner has preferred this special leave petition
 against the impugned order passed by the High Court rejecting the
 pre-arrest bail of the petitioner-husband.

For the reasons stated, the application for impleadment of the
 applicants as party Respondent nos.2 to 4 is allowed.

Cause title be amended accordingly.

By way of interim order dated 20.4.2015, while issuing notice,
 this Court stayed the arrest of the petitioner.

The petitioner, who is appearing in person, states that

pursuant to this Court's order dated 13.7.2015, he has invested the amount in Fixed Deposit Receipts, as directed by this Court. Hence, no grievance survives.

In view of the above, this Court's order dated 20.4.2015 staying the arrest of the petitioner, is made absolute.

We further direct that the amount invested in Fixed Deposit Receipts by the petitioner, shall continue to be in Fixed Deposit Receipts in the same Bank in the name of his minor daughter under the guardianship of the petitioner and the said amount along with interest shall be paid to his daughter upon her attaining majority.

The petitioner further states that he is entitled to custody of the child from the newly impleaded respondent nos.2 to 4.

We feel that the matter of custody of the minor child should be mediated upon between the parties in the first instance. Hence, we direct the parties to appear before the Mediation Centre, Punjab and Haryana High Court, Chandigarh, at 11 A.M. on 7.9.2016 and settle the dispute amicably in regard to the custody of the minor child.

We also make it clear that in case the mediation fails, the petitioner is given liberty to take recourse to avail remedy under the Guardians and Wards Act, 1890, before an appropriate forum in accordance with law.

With the aforesaid directions, the special leave petition is disposed of.

(Sanjay Kumar-II)
Court Master

(Indu Pokhriyal)
Court Master

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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pre-arrest bail of the petitioner-husband.

For the reasons stated, the application for impleadment of the
applicants as party Respondent nos.2 to 4 is allowed.

Cause title be amended accordingly.

By way of interim order dated 20.4.2015, while issuing notice,
this Court stayed the arrest of the petitioner.

The petitioner, who is appearing in person, states that

pursuant to this Court's order dated 13.7.2015, he has deposited the amount as directed by this Court. Hence, no grievance survives.

In view of the above, this Court's order dated 20.4.2015 staying the arrest of the petitioner, is made absolute.

We further direct that the amount deposited by the petitioner, shall be kept in Fixed Deposit Receipts in a Nationalised Scheduled Bank in the name of his minor daughter under the guardianship of the petitioner and the said amount along with interest shall be paid to his daughter upon her attaining majority.

The petitioner further states that he is entitled to custody of the child from the newly impleaded respondent nos.2 to 4.

We feel that the matter of custody of the minor child should be mediated upon between the parties in the first instance. Hence, we direct the parties to appear before the Mediation Centre, Punjab and Haryana High Court, Chandigarh, at 11 A.M. on 7.9.2016 and settle the dispute amicably in regard to the custody of the minor child.

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(Sanjay Kumar-II)
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