

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

**CRM No. M-38790 of 2014 (O&M)**

***Date of Decision: 18.05.2015.***

*Mr. Puneet Garg*

*... Petitioner*

*Versus*

*U.T. Chandigarh & another*

*... Respondents*

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Ms. Nelofer Abida Parveen, Advocate for  
Mr. Raman Mahajan, Advocate for the petitioner.

Mr. A.S. Virk, Additional P.P., U.T. Chandigarh.

Mr. Tapan Kumar Yadav, Advocate  
for the complainant/respondent No.2.

....

**TEJINDER SINGH DHINDSA.J.**

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.441, dated 22.10.2014, under Sections 406/498-A IPC, registered at Police Station Sector 39, Chandigarh.

While issuing notice of motion on 14.11.2014, the following order was passed by this Court:

*“Learned counsel for the petitioner submits that there is a temperamental dispute between the parties and the same can be settled, if the complainant is called before this Court. He further submits that the petitioner is ready to settle the dispute and to abide by all terms and conditions to be imposed by this Court. He also submits that earlier also, the petitioner was ready to hand over the articles, if any, but the same were not accepted by the police.*

*Keeping in view the submissions made by learned counsel for the petitioner that there is a possibility of*

*compromise between the parties, notice of motion is being issued for 04.12.2014.*

*Meanwhile, in the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-*

*(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;*

*(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 Court.*

*The petitioner is also directed to deposit an amount of Rs.50,000/- within a period of one week from today, which shall be paid to the respondent No.2-wife on the next date of hearing.*

*Petitioner as well as respondent No.2-complainant are directed to be present in the Court on the next date of hearing.”*

As per report of the Mediator placed on record, apparently, the matrimonial dispute has not been amicably settled inspite of the parties having been referred to the Mediation and Conciliation Centre.

Learned counsel appearing for the UT, Chandigarh does not dispute the fact that the petitioner has joined investigation. Even the contention raised on behalf of the petitioner that the list of articles/valuables furnished at Annexure P-9 along with the petition has been handed over to the Investigating Officer has gone un rebutted.

Even the amount of Rs.50,000/- that was directed to be handed over to the complainant/wife towards litigation costs has concededly been made over.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 14.11.2014 passed by this Court is made absolute.

Disposed of.

**18.05.2015**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**