

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

CRM-M-22540-2017 (O&M)  
Date of decision : 05.09.2017

Sarabjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Pratham Sethi, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,  
assisted by ASI Mahesh Singh.

Mr. Puneet Bansal, Advocate for the complainant.

**JITENDRA CHAUHAN, J. (Oral)**

The petitioner seeks pre-arrest bail in case FIR No.7 dated 10.05.2017, registered under Sections 498-A and 406 of the Indian penal Code (for short, 'the IPC'), at Women Police Station, Ferozepur.

It is contended that prior to the registration of the instant case, the mother of the petitioner lodged FIR No.175 dated 06.08.2016, under Sections 380, 452, 354 and 354-B IPC against the complainant for assaulting her. As a counter-blast, the instant FIR has been lodged. The petitioner has joined the investigation in terms of the orders passed by this Court and the recovery stands effected.

On the other hand, learned State counsel, on instructions, submits that though the petitioner has joined the investigation, but the recovery of gold ornaments weighing about 32 tolas, is yet to be effected. However, he fairly concedes that the bills with regard to purchase of gold by

the complainant side are not in the name of the petitioner or his family members.

Learned counsel for the complainant submits that there are specific allegations against the petitioner and that the recovery of gold articles is still to be effected.

Heard.

On 22.06.2017, the following order was passed:-

*“Heard.*

*Learned counsel for the petitioner submits that the matter, if referred to the mediation, may be settled amicably. The attempts were earlier also made at Ferozepur to settle the dispute but could not be fruitful. He has further averred that petitioner will pay ₹25,000/- as litigation expenses to the complainant so that she may come to the Chandigarh for mediation. In addition to this, he will also pay a sum of ₹10,000/- per month to the petitioner towards her maintenance from the month of January, 2017 during the pendency of this petition. The aforesaid amount including the arrears upto 30.06.2017 will be paid within two weeks to the complainant.*

*Notice of motion for 23.08.2017.*

*Mr. Puneet Kumar Bansal, Advocate, who is present in the Court, has put in appearance on behalf of complainant and submits that he has no objection if the attempt for mediation is initiated in this case. On the joint request of counsel for the parties, the matter is referred to Mediation and Conciliation Centre of this Court, where parties will appear on 14.07.2017 or on any other date given by the Mediator.*

*In order to facilitate the petitioner to appear in mediation, he is allowed interim bail, subject to his appearing before the Investigating Officer and joining the investigation within a week. In the event of his arrest being*

*required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.*

*It is, however, made clear that the litigation expenses and maintenance agreed to be paid by the petitioner is only for the purpose of facilitating mediation and shall have no bearing on any other litigation pending between the parties.”*

**In *Rajesh Sharma and others Vs. State of U.P. and another, Criminal Appeal No.1265 of 2017, decided on 27.07.2017***, Hon'ble the Supreme Court has observed that *“Recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of wife/minor children can otherwise be protected. Needless to say that in dealing with bail matter, individual roles, prima facie truth of the allegations, requirement of further arrest/custody and interest of justice must be carefully weighed.”*

The petitioner has repeatedly joined the investigation in pursuance of the orders passed by this Court. There is no material on record to suggest that the maintenance or other rights of the complainant-wife cannot be otherwise protected. Moreover, the FIR registered against the complainant at the behest of co-accused-mother of the petitioner being prior in time, the assertion that the instant FIR is a counter-blast thereto, cannot be *prima facie* said to be entirely unfounded.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated

22.06.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

**05.09.2017**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |