

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-15165 of 2018

Date of Decision: 31.01.2019

Sahil

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Tejinderbir Singh, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.0496 dated 26.12.2017 under Sections 406, 498-A, 323 IPC registered at Police Station Farakpur, Yamuna Nagar.

Mr. Tejinderbir Singh, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney in Court, which is taken on record.

At the outset, counsel for the petitioner submits that the FIR in question was registered at Police Station Farakpur, Yamuna Nagar

(Haryana) and no relief was sought against the State of Punjab and therefore, he does not press this petition *qua* respondents no.1 to 3.

Accordingly, this petition is dismissed *qua* respondents no.1 to 3.

Vide order dated 19.04.2018, following order was passed by this Court:-

“Learned counsel for the petitioner herein submits that the instant FIR has been registered after a considerable delay. In fact, the petitioner herein had filed a petition Section 9 of the Hindu Marriage Act, which was allowed as far back as 24.12.2015, whereas the FIR in question has been registered on 26.12.2017. Learned counsel for the petitioner submits that an attempt should be made to resolve all the differences between the parties and prays that the matter be referred to the Mediation and Conciliation Centre of this Court.

Notice of motion.

The petitioner and respondent No.7 are directed to appear before the Mediation and Conciliation Centre of this Court on 29.05.2018.

In the meantime, the petitioner is directed to deposit a sum of ₹ 11,000/- with the Registry of this Court towards litigation expenses within a period of one week. On doing so, notices be issued to the respondents for the date fixed.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. However, it is made clear that in case the litigation expenses are not deposited within the specified time any interim protection granted today shall stand vacated automatically.”

Pursuant to the aforesaid order, the petitioner and respondent no.7 have appeared before the Mediation and Conciliation Centre. However, as per the report dated 12.10.2018 of the Mediator, amicable solution is not possible between the parties at this stage.

Learned counsel for the petitioner states that all dowry articles have been handed over to the complainant and nothing is required to be recovered from the petitioner. He further submits that a petition under Section 9 of the Hindu Marriage Act was also filed by the petitioner, which was allowed on 24.12.2015, but still, the complainant has not joined the petitioner.

Learned State counsel, on instructions from SI Rakesh Kumar, submits that the petitioner has joined the investigation and all dowry articles have been recovered and thus, the custodial interrogation of the petitioner is no more required at this stage.

I have heard learned counsel for the parties.

Considering the fact that the petitioner has joined investigation and his custody is no more required, the present petition is allowed and the interim order dated 19.04.2018 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

January 31, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No