

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

202

**CRM-M-5746-2020
Date of Decision:26.11.2021**

MOHAMMAD MUNIR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Amrita Nagpal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.14 dated 22.01.2020, registered under Section 406 and 498-A of IPC, 1860, at Police Station City-2, Malerkotla.

While granting interim protection to the petitioner on 10.02.2020, this Court passed the following order:-

“At the very outset, on the oral request of counsel for the petitioner, complainant-Saima w/o Mohammad Munir, r/o Mohalla Padian, Near Kamal Cinema Colo Gate Malerkotla, City II Malerkotla, Sangrur, Punjab is impleaded as respondent No.2.

Registry is directed to carry out the necessary correction in the memo of parties.

Counsel for the petitioner inter alia would contend that the dispute arose only after the marriage of the sister of the petitioner broke with the brother of the complainant in the present FIR. It is stated that the petitioner is always ready and willing to maintain his wife and children.

Notice of motion for 05.03.2020, on which date the parties to the marriage are directed to appear before the Mediation and Conciliation Centre of this court to explore the chances of amicable settlement, where the petitioner would pay a sum of ₹15,000/- to the complainant towards litigation and travelling expenses.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, 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 continue to 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.”

Pursuant to the order passed by this Court, the parties appeared before the Mediation and Conciliation Centre and settlement dated 05.03.2020 has been arrived at between them. A report in this regard has been received from the Mediation Centre.

Though, respondent No.2 was being represented by a counsel, however, despite service of notice upon the counsel, he has not appeared before this Court.

Upon instructions from ASI Harjinder Singh, State counsel submits that the petitioner has joined the investigation, though recovery of some dowry articles is yet to be effected.

Keeping in view the fact that the FIR is an outcome of a marital dispute, which has been settled before the Mediation Centre of this Court and the parties have agreed to reside together amicably, recovery of articles would be meaningless and would not come in the way of making the interim order absolute.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 10.02.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

26.11.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No