

CRM-M-15425-2021

Date of Decision: 3.11.2021

Gulshan Singh Kapoor

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab.

Mr. Amit Arora, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.14 dated 3.3.2021 registered under Section 498-A IPC at Police Station Women, Amritsar City, District Amritsar.

Vide order dated 23.4.2021/14.7.2021, the parties were directed to appear before the Mediation and Conciliation Centre at Amrtisar. Besides this, the petitioner was directed to join investigation on 14.7.2021.

After interaction with both the parties, it is transpired that the mediation remained unsuccessful. The same is evident from the report sent by the Mediator, wherein it is mentioned that despite efforts, the parties could not resolve their dispute.

However, learned counsel for the petitioner submits that the petitioner has joined investigation in pursuance to the order dated 14.7.2021.

The same is affirmed by learned State counsel on instructions from ASI Gurbhajan Singh.

Learned counsel for the complainant has opposed the same on the ground that the recovery of dowry articles remains to be effected from the petitioner.

However, learned counsel for the petitioner submits that the FIR in question is registered under Section 498-A IPC and hence, there is no question of dowry in this case as Section 406 IPC is not even part of the FIR.

Be that as it may, the allegations and counter allegations are the subject matter of the trial, which is to be established by the parties on the basis of the evidence to be led by them.

In view of the above, the order dated 14.7.2021 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C. and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

3.11.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No