

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.26141 of 2020
Date of Decision: January 28, 2021

Abhinav Sood

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Mandeep Kaushik, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.99 dated 29.06.2020, under Sections 498-A and 506 IPC, 1860, registered at Police Station, Dakha, District Ludhiana. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.09.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The case has been taken up for hearing through video conferencing.

The petitioner have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 99 dated 29.06.2020 registered under Sections 498-A and 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Dakha, District Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner has not committed any offence. Marriage of the petitioner with the complainant was simple affair. No dowry articles were demanded or given in the marriage. The petitioner could not get adjusted in her matrimonial home and got registered false and frivolous FIR by concocting false story. Allegations in the FIR are mainly against mother of the petitioner. Ingredients of the offence under Section 498-A of the IPC are not made out against the petitioner. The petitioner is ready to hand over the dowry articles and is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. H.S. Multani, Asstt. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition and on oral request made by learned Counsel for the petitioner, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

At this stage, Mr. Mandeep Kaushik, Advocate has appeared and accepted notice on behalf of respondent No. 2 and undertakes to file his power of attorney in the Registry.

In view of the facts and circumstances of the case and the observations made by Hon'ble Supreme Court in K. Srinivas Rao Vs. D.A. Deepa 2013 (5) SCC 226, I am of the

considered view that the matter ought to be referred to Mediation and Conciliation Centre of this Court for attempting amicable settlement between the parties.

Accordingly, the parties are directed to appear in the Mediation and Conciliation Centre of this Court for mediation in person or through video conferencing and on such date as may be considered appropriate and notified to them by the concerned officer/mediator as the case may be.

Case is adjourned to 06.11.2020 for awaiting report of the Mediation and Conciliation Centre of this Court.

Reply on behalf of respondent No. 1- State be also filed on that date, if so desired.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Jagdish Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Learned counsel for the complainant has opposed the prayer, who submits that though an attempt was made by the parties to settle the dispute, but their effort before the Mediation and Conciliation Centre of this Court did not succeed. He submits that the matter be again sent to the Mediation and Conciliation Centre for settlement.

Considering the nature of the offences and the relief prayed for in the petition, this court does not find any reason to send the parties again before the Mediation and Conciliation Centre of this Court, particularly when the allegations pertained to the alleged commission of offences punishable under Sections 498-A and 506 IPC.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 04.09.2020 is made absolute.

January 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No