

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

CRM-M-40492-2020 (O&M)

Date of decision : 21.01.2021

SURINDERJIT SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vikas Bali, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is the second petition under Section 438 of the Code of Criminal Procedure, 1973 for the grant of anticipatory bail in FIR No.153 dated 29.09.2020 under Sections 406, 498-A of the Indian Penal Code, 1860 and Section 67-A of the Information Technology Act, 2000 registered at Police Station Dakha, District Ludhiana Rural.

On 21.12.2020 while granting interim protection to the petitioner, the following order was passed:

“Heard through video conferencing.

This is the second petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.153 dated 29.09.2020 under Sections 406, 498A of the Indian Penal Code, 1860 and Section 67-A of the Information Technology Act, 2000 registered at Police Station Dakha, District Ludhiana Rural.

Learned counsel for the petitioner would contend that the second anticipatory bail petition is maintainable in view of the fact that the first petition filed by the petitioner herein being CRM-M-36613 of 2020 was dismissed as withdrawn vide order dated

09.11.2020. He relies upon *Rani Dudeja vs. State of Haryana*, (2017) 13 SCC 555 and *Varinder Singh @ Jhirmal vs. State of Punjab*, 2020(2) RCR (Criminal) 782. The learned counsel would further contend that the other three accused in the present case have since been granted anticipatory bail and all the dowry articles (35 in total) stand returned to the complainant.

Learned counsel for the petitioner has further contended that the petitioner is willing to settle the matter with the complainant, inasmuch as, the petitioner has already filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. The petitioner is open to settling the matter either way, whether the complainant wishes to reside in the matrimonial home or wishes to part ways. The learned counsel further states that in order to show his bona fides the petitioner will deposit a bank draft for Rs.5 lakhs in the name of the Registrar of this Court and thereafter the matter may be referred to the Mediation Centre.

Notice of motion.

On the asking of the Court, Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice on behalf of respondent No.1-State.

In view of the statement made by learned counsel for the petitioner that the petitioner is willing to settle the matter amicably, let a bank draft for Rs.5 lakhs in the name of the Registrar, Punjab & Haryana High Court be deposited by the petitioner before the next date. The amount of the bank draft, if deposited, shall be invested in an FDR with a nationalised bank.

The petitioner is directed to hand over his mobile phone from which the alleged recordings are stated to have been made.

Let notice be issued to respondent No.2 returnable 21.01.2021.

Meanwhile, the petitioner is directed to join investigation before the Investigating Officer and would come present as and when called for. In the event of arrest, the petitioner shall be admitted to bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

In the order dated 21.12.2020, it has specifically been noticed that learned counsel for the petitioner has stated that in order to show his *bonafides*, the petitioner would deposit a bank draft of

Rs.5,00,000/- in the name of Registrar of this Court and, thereafter, the matter may be referred to the Mediation Centre.

Learned counsel for the petitioner states that the petitioner has joined the investigation. However, he has not deposited the bank draft of Rs.5,00,000/- as directed vide order dated 21.12.2020. On a query put by this Court as to whether the petitioner would want a further opportunity to deposit the said amount of Rs.5,00,000/-, learned counsel, on instructions from the petitioner, states that petitioner is not in a position to deposit the said amount of Rs.5,00,000/-.

In view of the above and keeping in mind the fact that the interim protection was granted in the second petition for anticipatory bail only on the ground that the petitioner was ready to show his bona fides by depositing an amount of Rs.5,00,000/- and now since the petitioner is resiling from the said statement/offer, the Court is left with no option but to dismiss the present petition.

The petition is accordingly dismissed.

January 21, 2021

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**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable :YES/NO**