

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

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**CRM-M-2336 of 2022
Date of decision :21.09.2022**

Mohd. Bashir

.....Petitioner

VERSUS

State of Punjab & Anr.

.....Respondents

CORAM: HON'BLE MR JUSTICE SUVIR SEHGAL

Present:- Mr. Sunny K. Singla, Advocate, for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. S.P.S. Aulakh, Advocate, for respondent No.2.

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, on 21.01.2022,
this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.143 dated 28.12.2021, registered for offences under Sections 498-A, 323 and 325 of the Indian Penal Code, 1860, at Police Station City – II, Malerkotla, District Malerkotla (Annexure P-1).

Counsel for the petitioner contends that the petitioner, who is working as ETT Teacher at Government Primary School, Tehsil Ahmedgarh, is the husband of complainant, marriage between them was solemnized in March 2012 and two children were born out of the wedlock. He submits that the FIR is outcome of bickering between the couple and after investigation, it was initially recommended (at page 14 of the paperbook) that no offence is made out and thereafter the complainant-wife recorded a supplementary statement on which action has been taken. Counsel submits that the petitioner is ready to settle the dispute with his wife as well as return the articles allegedly, in his possession, as per the supplementary statement of the complainant-wife.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the respondent-State.

List on 20.04.2022.

Petitioner is directed to implead the complainant as party respondent.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Although the matter was referred to the Mediation Centre of this Court, where, the petitioner had paid Rs.35,000/- to the complainant towards litigation and travelling expenses, however, mediation proceedings have failed.

Upon instructions received from the ASI Paramjit, learned State counsel submits that petitioner has joined the investigation and he is no longer required for custodial interrogation. He further submits that Section 406 IPC has not been invoked and no recovery is to be effected from the petitioner.

In view of the above, without commenting upon the allegations levelled in the petition, present petition is allowed and order dated 21.01.2022 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

21.09.2022
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>