

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

CRM-M-7125-2022

Date of Decision: 24.05.2022

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhupender Ghai, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Bishan Dass Rana, Advocate
for the respondent No. 2/complainant.

VIVEK PURI J.

On 21.02.2022, following order was passed:

"The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Harpreet Singh-petitioner is seeking anticipatory bail in case bearing FIR No.0010 dated 18.01.2022 under Sections 406 and 498-A IPC registered at Police Station Mahilpur, Hoshiarpur.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 30.03.2019. Even at the earlier instance, the complainant had submitted a complaint to the police authorities and subsequently she had given an apology by way of writing Annexure P-2. She undertook to take back the complaint and not to repeat the mistake in future. He further contends that the possibility of amicable settlement through mediation may also be explored in the instant case.

On the oral request of the counsel for the

petitioner, Jasvir Kaur, wife of Harpreet Singh, at present resident of Jandial, Mahilpur, District Hoshiarpur is impleaded as respondent No.2.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab, accepts notice on behalf of respondent-State. Mr. Jasraj Singh, Advocate has passed on memorandum of appearance on behalf of the complainant/respondent No.2 and the print out of the same is taken on record. He has also stated that he is not avverse to explore the possibility of amicable settlement through the process of mediation.

The parties are directed to appear before the Mediator on 08.03.2022.

The report be awaited for 19.05.2022.

The petitioner is also directed to pay a sum of Rs.20,000/- to the complainant/respondent No.2 to faciliate her presence and participation during the course of mediation proceedings and the said amount shall be paid on the first date of appearance before the Mediator either physically or through virtual mode.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure."

As per the report received from the Mediation and Conciliation Centre of this Court, the parties could not arrive at amicable settlement.

Learned counsel for the petitioner contends that in pursuance of the interim direrctions, the petitioner has joined the investigation. Furthermore, there is no allegation in the FIR with regard to entrustment or misappropriation of any articles of *ishtridhan* or jewellery.

The learned State Counsel on the instructions of ASI Gurmail

Singh submits that petitioner has joined the investigation and custodial interrogation of the petitioner is not required.

Mr. Bishan Dass Rana, Advocate has filed power of attorney on behalf of respondent No. 2/complainant and has opposed the bail application on the score that some jewellery is to be recovered and there are allegations with regard to abortion having occurred because of the maltreatment given to the complainant. However, he has not disputed that there is no allegation with regard to entrustment of any articles, *ishtridhan* or jewellery or misappropriation thereof in the FIR and even the offence under Section 313 IPC has not been incorporated.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner.

Accordingly, order dated 21.02.2022, vide which the petitioner has been granted interim bail, is made absolute. Petition is allowed.

24.05.2022

Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No