

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15712-2022

Date of Decision: 31.08.2022

HARPREET KHAN

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Gaurav Khera, Legal Aid Counsel
for respondent No.2.

VIVEK PURI, J.(ORAL)

On 27.04.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 23 dated 18.03.2022, registered under Sections 498-A/506 IPC, 1860 at Police Station Badli Ala, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 29.11.2015 and a son has been born from the wedlock. The petitioner had been appearing before DSP, Crime Against Women and Children during the course of inquiry in the complaint submitted by the complainant. Furthermore, he was never summoned by the Family Welfare Committee. The petitioner has also instituted a suit for restitution of conjugal rights. The petitioner is ready and willing to amicably settle the dispute through mediation.

On the oral request of the learned counsel for the petitioner, the complainant i.e. Anjali Begum, daughter of Piara Shah, R/o Village Jhampur, Tehsil and District Fatehgarh Sahib is impleaded as respondent No.2 in order to explore the possibility of amicable settlement.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 25.05.2022.

To await the report, list on 31.08.2022.

However, the petitioner shall pay a sum of Rs. 20,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

As per the report, the mediation was unsuccessful.

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. It has also been submitted that subsequent to the registration of FIR, the offence under Section 406 IPC has also been added.

Learned State counsel, on instructions from SI Puneet Kaur, has not assailed the aforesaid factual aspects. She further contends that the custodial interrogation of the petitioner is not required.

Keeping in view the fact that the offence under Section 406 IPC has been added at a subsequent stage, on the oral request, the said offence is allowed to be added in the head note and prayer clause of the petition. The Registry to do the needful.

As the petitioner has joined the investigation, his custodial interrogation is not required, the order dated 27.04.2022 is made absolute. Needless to say that the order shall also be construed to have been passed with regard to the offence under Section 406 IPC.

Petition is allowed.

31.08.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No