

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

CRM-M-22308-2022 (O&M)

Date of Decision: 20.09.2022

TEJPAL SINGH DHILLON

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursimran Singh Madaan, Advocate with
Mr. Anshul Sharma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. P.S.Warraich, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

On 23.05.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No.07 dated 07.02.2022 under Sections 498-A, 323 IPC (Section 406 has been added lateron), registered at Police Station Women Cell, District Jalandhar.

Learned counsel for the petitioner contends that it was second marriage of both the parties and the same was solemnized on 19.10.2014. Two children were born from the wedlock who are in the custody of the complainant/respondent No.2. The father of the complainant had borrowed a sum of Rs. 10 lakhs from the petitioner for the purpose of purchasing a plot. In order to repay the amount, the father of the complainant had issued 5 cheques in the sum of Rs. 2 lakhs each and the same have been dishonoured. The petitioner has instituted complaints under Section 138 of Negotiable Instruments Act wherein summoning order has also been issued. Furthermore, at the instance of the first wife, a case under Section 498-A and 308 IPC was registered against the petitioner and he has been acquitted therein. In another case under Sections 341, 406 and 509 IPC which has been registered at the instance of the neighbourer, the petitioner is on bail. The petitioner, who is a practicing Advocate, is ready and willing to amicably settle the dispute and the possibility thereof through the process of mediation may be explored.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab accepts notice on

behalf of the State.

Mr. P.S.Warraich, Advocate has put in appearance on behalf of the complainant and states that in fact the cheques were given by the father of the complainant to her for her subsistence. The same have been misused by the petitioner and the complaints under Section 138 of Negotiable Instruments Act have been instituted subsequent to the submission of the complaint on the basis whereof FIR has been registered. Moreover, the father of the complainant has assailed the summoning order in this Court wherein directions have been issued to the trial Court to adjourn the matter beyond the date fixed in this Court.

Learned counsel for the complainant, however, fairly states that the complainant is also ready and willing to explore the possibility of amicable settlement through the process of mediation.

The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 20.07.2022. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 30,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 20.09.2022.

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

As per the report of the Mediator, the parties could not arrive at an amicable settlement.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court. It was the 2nd marriage of both the parties and the petitioner is not in possession of any article of *Istridhan* of the complainant.

Learned State counsel, on instructions from SI Varinder Singh, submits that though the petitioner has joined the investigation but golden jewellery weighing 72 gms is yet to be recovered.

Learned counsel for the complainant has also opposed the bail

application on the score that the petitioner had even subjected his earlier wife to cruelty and recovery is yet to be effected.

It has not been disputed that at the earlier instance, in a case which was registered under Sections 498A and 308 IPC, against the petitioner by his first wife, he has been acquitted.

The controversy as to whether the petitioner has misappropriated the articles of *Istridhan* will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 23.05.2022 is made absolute.

The petition stands allowed.

20.09.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No