

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25925-2022
Date of Decision: 12.12.2022

HARPREET KUMAR ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Sharma, Advocate for the petitioner.
Mr. Iqbal Singh Mann, DAG Punjab.
Mr. Atul Goyal, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

On 01.09.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 95 dated 16.05.2022 under Sections 406, 498-A IPC, registered at Police Station Women, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 12.12.2018 and a child has been born from the wedlock. At the earlier instance, a Panchayati compromise, Annexure P-4 was also effected wherein it was settled that the parties will reside together. However, the same could not fructify. The petitioner has also instituted a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

In terms of the order dated June 7, 2022, the arrest of the petitioner was stayed to explore the possibility of amicable settlement.

Learned State counsel submits that the petitioner is yet to join the investigation.

Mr. Atul Goyal, Advocate has joined the proceedings on behalf of respondent No.2.

Both the learned counsel for the private parties are *ad idem* that possibility of amicable settlement through the process of mediation may be explored in this case.

The petitioner and respondent No.2 are directed to appear before the Mediation and Conciliation Center of this Court on 28.09.2022.

Learned counsel for respondent No.2 has stated that some litigation expenses may be awarded to the respondent No.2 to facilitate her presence and participation in the mediation proceedings.

Learned counsel for the petitioner in all fairness, has

stated that even though the respondent No.2 is working as a Teacher but the petitioner will pay a sum of Rs. 20,000/- to the respondent No.2 on her appearance before the Mediator.

Report of the Mediator be awaited for 12.12.2022.

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 received from Mediation and Conciliation Center, 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 and he is not in possession of any article of *istridhan*.

Learned State counsel has stated that the petitioner has joined the investigation and custodial interrogation of the petitioner is not required.

Learned counsel for the complainant has opposed the bail application on the score that list of articles of *istridhan* has been handed over to the investigating agency but recoveries are yet to be effected.

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 and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.09.2022 is made absolute.

12.12.2022

Janki

(VIVEK PURI)
JUDGE

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