

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33526-2022
Date of decision : 11.10.2022

Om Parkash

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.S.P.S.Tinna, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

Mr.Sanyam Bhardwaj, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0035 dated 14.05.2022 registered under Sections 420, 120-B, 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961 at Police Station Sadar Abohar, Tehsil Abohar, District Fazilka.

On 01.08.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.0035 dated 14.5.2022 under Sections 420, 120-B, 498-A I.P.C and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station, Sadar Abohar, Tehsil Abohar, District Fazilka.

Learned counsel for the petitioner has contended that the petitioner before this court is the father-in-law of the complainant namely Renu. He submits that marriage in question took place on

17.2.2012. They were blessed with a son. Thereafter due to the matrimonial discord the rift between husband and wife kept on widening. It is submitted that both entered into a compromise wherein both of them decided to part ways and file a petition under section 13-B of Hindu Marriage Act for dissolution of the marriage. Counsel submits that the first motion statements of husband and wife have been recorded and husband has already paid an amount of Rs.25,40,000/- out of the total agreed amount of Rs.46 lakh. Counsel submits that thereafter husband changed his mind and withdrew his consent and hence decree of divorce could not be awarded. It is submitted that the son is in the custody of the father and he wants to reconcile with his wife. Counsel submits that petitioner being the father of the husband is also of the same opinion that if the matter is referred to the Mediation Centre then both the parties can explore the possibility of amicable settlement. Counsel further submits that no case for custodial interrogation of the petitioner is made out and he is ready to join investigation.

Notice of motion.

On the asking of the Court, Ms. Sakshi Bakshi, A.A.G., Punjab accepts notice on behalf of respondent-State and Mr. J.S. Dhaliwal, Advocate puts in appearance on behalf of the complainant and though he opposes the submissions made by counsel for petitioner, however, he is also of the opinion that parties may be granted one opportunity for settling the dispute amicably at their own level.

Adjourned to 7.9.2022.

In the meanwhile, no coercive action shall be taken against the petitioner till the next date of hearing.

August 01, 2022

(RAJESH BHARDWAJ)
JUDGE”

On 07.09.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner at the outset submits that the parties were directed to appear before the Mediation Centre. The parties have duly appeared there and the dispute has been settled amicably.

Learned counsel for the complainant has affirmed the fact that the dispute has been resolved between the parties amicably.

However, learned State counsel has submitted that as there was no order of joining the investigation by the petitioner, the case is pending investigation.

In these circumstances, the interim order dated 1.8.2022 is modified to the extent that in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438 (2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.

Adjourned to 11.10.2022.

(RAJESH BHARDWAJ)
JUDGE

07.09.2022”

Learned counsel for the petitioner as well as learned counsel for the complainant have reiterated the fact that the matter has been compromised and the parties have already filed a divorce petition and are in the process of filing a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise.

Learned counsel for the complainant has submitted that he has no objection in case the present petition is allowed.

Keeping in view the above said facts and circumstances, the present petition is allowed.

Nothing stated above shall be construed as an expression of

opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 11, 2022
Davinder Kumar

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