

287 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34990-2022
Date of Decision: 08.12.2022

MUNISH BAJAJ

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursimran Singh Madaan, Advocate for the petitioner.
Mr. Amit Shukla, AAG Punjab.
Mr. Nirmaljeet Singh Sidhu, Advocate for respondent No.2.

* * * *

VIVEK PURI, J. (ORAL)

On 08.08.2022 following order was passed:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.106 dated 15.07.2022, registered under Sections 406/498-A IPC, at Police Station Khanna City-2, District Khanna (Ludhiana).

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2/complainant on 30.01.2015. A female child was born from the wedlock on 06.06.2016. The matrimonial dispute has cropped up between the parties and the complainant has gone to her parental house along with the minor child. Subsequently, respondent No.2/complainant had submitted an acknowledgment dated 05.09.2016 (Annexure P-2) wherein it has been mentioned that her marriage was solemnized in a simple manner and no articles of dowry/Istri Dhan were given/entrusted to her husband and other family members. She has also tendered unconditional apology. Subsequently, the petitioner had submitted a complaint dated 25.10.2018 (Annexure P-3) to the Commissioner of Police, Ludhiana apprehending that respondent No.2/complainant may commit suicide and falsely implicate the petitioner and his family members. A compromise was also effected between the parties and in terms of writing dated 13.11.2018 (Annexure P-4), the petitioner along with the complainant and the minor daughter started residing separately in a rented accommodation. However, the complainant again went to parental house in the year 2018 and the FIR has been lodged on the basis of false allegations after a delay of three years. Moreover, the petitioner has also instituted a petition under Section 13 of Hindu Marriage Act for dissolution of marriage. The petitioner is also ready and willing to amicably settle the

dispute through mediation.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Mr. Nirmaljeet Singh Sidhu, Advocate has put in appearance on behalf of respondent No.2/complainant and filed power of attorney, which is taken on record. He has fairly stated that the respondent complainant is not averse to exploring the possibility of amicable settlement through the process of mediation.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 08.09.2022.

To await the report, list on 08.12.2022.

However, the petitioner shall pay a sum of Rs. 30,000/- 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 received from Mediation and Conciliation Center of this Court, despite best efforts, 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.

Learned State counsel has not disputed the aforesaid factual aspect of the case and has submitted that the custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.08.2022 is made absolute.

08.12.2022

Janki

(VIVEK PURI)
JUDGE

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