

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35399-2022
Date of decision : 11.10.2022

Ajay Singh

... Petitioner

Versus

State of Punjab and another

... 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-respondent no.2.

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 10.08.2022, 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 husband of the complainant namely Renu and the marriage in question took place on

17.02.2012. He submits that the couple has one child, who is in the custody of the petitioner. He submits that on earlier occasion, both the petitioner and the complainant arrived at a compromise as well and filed a petition under Section 13-B of Hindu Marriage Act for dissolution of the marriage, however, the same was later on withdrawn. He has submitted that the petitioner was keen to settle the dispute since the very beginning and the same can be resolved amicably even now if the matter is referred to mediation centre. It is further submitted that petitioner has no criminal antecedents. He relies upon judicial precedent of the Hon'ble Apex Court in **Arnesh Kumar vs State of Bihar and another**, 2014(3) SCC (Crl.) 449 and submits that in view of the above mentioned facts, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same. It is further submitted that co-accused of the petitioner have already been granted anticipatory bail by this Court and the same are fixed for 07.09.2022.

Notice of motion.

On the asking of the Court, Mr.Rakeshinder Singh, A.A.G., Punjab, who is present in Court 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 the matter be referred to mediation centre of this Court for exploring the possibility of settlement of the dispute amicably.

In view of the agreed position, both the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.09.2022 at 11.00 a.m. for making an effort to settle the dispute amicably.

Petitioner is directed to pay Rs.25,000/- as litigation expenses to complainant-wife on her appearance before the Mediation Centre.

Adjourned to 7.9.2022.

Learned counsel for the petitioner undertakes to implead the complainant as party-respondent No.2 in the petition and file amended memo of parties within a week from today.

List alongwith CRM-M-30989 and 33526-2022.

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

August 10, 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.

Report of the Mediator dated 1.9.2022 has been received affirming the fact that the parties have settled their dispute 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 10.8.2022 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