

206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39480-2021

Date of Decision: 26.05.2022

MUNEET MAHAJAN

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Ritesh Pandey,Advocate, for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. A.S.Manaise, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

On 22.09.2021, the following order was passed:-

“The instant petition has been filed under Section 438 Cr.P.C.,for grant of anticipatory bail to the petitioner in case FIR No.169 dated 30.08.2021 under Sections 498-A and 406 of the IPC registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel contends that it was essentially on account of matrimonial dispute and the fact that the complainant-wife was unable to settle in her matrimonial home, the FIR in question has been registered, on the allegations that she was subjected to mental and physical harassment on account of dowry demands. He further contends that the petitioner tried his best to reconcile with the complainant-wife and bring her back to join his company. In support of his submissions, he has invited the attention of this Court to Annexure P-2, which is an order passed in the petition filed by him under Section 9 of the Hindu Marriage Act.

Notice of motion.

On the asking of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.

Mr. A.S. Manaise, Advocate has put in appearance on behalf of the respondent No.2. He has filed his power of attorney in the Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned counsel for the complainant prays that the matter be referred to Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement between the parties .

Learned counsel for the petitioner is not averse to the prayer made by the learned counsel for the complainant of exploring the possibility of an amicable settlement.

In the circumstances, parties are referred to Mediation and Conciliation Centre on 04.10.2021.

Petitioner-husband shall pay a sum of Rs.10,000/- on account of litigation expenses to the respondent-wife on her appearance before the Mediation Centre on the date fixed.

Awaiting report for 05.01.2022.

Meanwhile, petitioner is directed to join the investigation as and when required by the investigating officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.”

As per the report of the Mediator, the amicable settlement could not be effected between the parties.

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and the articles of *istridhan* have been returned.

Learned State counsel, on instructions from ASI Anita Devi, asserts that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant has asserted that one gold set and two rings are yet to be recovered.

The controversy as to whether any article of *istridhan*/jewellery was entrusted to the petitioner and have been misappropriated will be a debatable and moot point during the course of trial. The petitioner has joined the investigation and his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 22.09.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

26.05.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No