

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-46529-2021

Date of Decision: 22.02.2022

PRATIK SUREKH GUPTA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pradeep Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Akash Yadav, Advocate for
Mr. Abhinav Gupta, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

On 08.11.2021, the following order was passed:-

“Pratik Surekh Gupta-petitioner is seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 93 dated 24.08.2021 under Sections 406/498-A of IPC, registered at Police Station Women Cell, Jalandhar, District Police Commissionerate Jalandhar.

It has been contended by the learned counsel for the petitioner that the marriage between the parties was solemnized on 29.02.2019. The petitioner had instituted a petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage in the Court in Mumbai and the present FIR has been lodged subsequently as a counter blast. The parents of the petitioner have been granted interim bail and there are vague and general allegations levelled in the FIR. The complainant has preferred a transfer petition in the Hon’ble Supreme Court and in terms of order dated 24.09.2021, it has been observed that the parties can explore the possibility

of settlement through Mediation process and the parties have been directed to appear before the Mediation Centre of the Hon'ble Supreme Court. It has been stated that two sittings have already taken place and the matter is fixed for tomorrow in the Mediation Centre and consequently, interim protection may be granted to the petitioner to facilitate his presence in the Mediation proceedings.

Notice of motion.

Ms. Ruchika Sabharwal, AAG, Punjab, accepts notice on behalf of the respondent-State.

Mr. Abhinav Gupta, Advocate has joined the proceedings on behalf of the complainant and has controverted the allegations propounded by the learned counsel for the petitioner. It has been stated that it was a destination marriage solemnized in Thailand and recovery of articles of Istri Dhan have to be effected.

It is significant to note that the mediation proceedings have already been initiated. It shall be appropriate to provide interim protection to the petitioner to facilitate his presence during the course of mediation proceedings. In such circumstances, the matter is adjourned to 21.12.2021.

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 will join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation, the matrimonial dispute has also been amicably settled between the parties and a separate petition bearing CRM-M-6500-2022 for quashing of FIR on the basis of compromise has already been instituted.

Learned State counsel, on instructions from ASI Rajesh Kumar, has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel appearing for respondent No.2 has also admitted the fact of compromise/amicable settlement arrived at between the parties.

As such sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 08.11.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

22.02.2022
smriti

(VIVEK PURI)
JUDGE

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