

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

CRM-M-49029-2021

Date of Decision: 01.08.2022

SACHIN HANDA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arjun Veer Sharma, Advocate, for the petitioner.

Ms. Bhavna Gupta, AAG, Punjab.

Mr. Kuljit Singh, Advocate for

Mr. C.M.Munjal, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

On 24.11.2021, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.100 dated 07.10.2021 under Sections 406, 498-A IPC registered at Police Station Women Cell Ludhiana, District Ludhiana.

Learned counsel inter alia contends that totally false and fabricated allegations have been levelled against the petitioner in the FIR in question. He contends that in fact the complainant had been pressurized to get married to the petitioner by her own family against her wishes as she was already involved with a Canada based boy. It has been submitted that right from the very beginning of their marriage on 27.04.2021 the complainant was unable to adjust on this count and the marriage too was not consummated. It was on 20.05.2021 that the complainant along with her father left with all her belongings including her jewellery on the pretext of getting some medical treatment. Thereafter, a Panchayat was convened and the petitioner also filed a petition under Section 9 of the Hindu Marriage Act. Learned counsel has invited the attention of this court to Annexure P3 which is a list of certain derogatory and abusive messages sent by none other than the complainant after she was served in the petition under Section 9 of the Hindu Marriage Act. Learned counsel submits that the petitioner undertakes to join investigation and cooperate with the investigating agency and get recovered the dowry articles which may still remain in his possession.

Notice of motion.

At this stage, Mr. C.M.Munjal, Advocate, has put in appearance on behalf of the complainant.

The parties are ad idem that the matter could be referred to the Mediation & Conciliation Centre of this Court for exploring the possibility of an amicable settlement between them.

The petitioner and the complainant are directed to appear before the Mediator at Mediation & Conciliation Centre of this court on 09.12.2021.

To await the report of the Mediator, adjourned to 10.03.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. 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) Cr.PC.”

Learned counsel for the petitioner contends that the matter was referred to Mediation ad Conciliation Centre, but the same could not be settled.

As per the report received from the Mediation and Conciliation Centre of this Court, the mediation proceedings could not be held on account of absence of the parties. However, learned counsel for the petitioner submits that the matrimonial dispute has been amicably settled with the intervention of the respectables in an out of Court settlement. The petitioners and the complainant have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent. A sum of Rs.3,50,000/- has to be paid on account of permanent alimony. Moreover, a separate petition bearing CRM-M-32405-2022 for quashing the FIR on the basis of compromise has also been instituted.

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

Learned counsel for the complainant has not assailed the aforesaid factual aspects as asserted by learned counsel for the petitioner.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 24.11.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

01.08.2022
smriti

(VIVEK PURI)
JUDGE

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