

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

212

CRM-M-49664-2021

Date of Decision:19.07.2022

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sahil Gupta, Advocate for
Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. G.S. Dhillon, Advocate
for the complainant.

SUVIR SEHGAL, J.(ORAL)

On 28.02.2022, this Court passed the following order in the
main case:-

“Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.73 dated 28.09.2021 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Women Cell, Patiala, District Patiala (Annexure P-1).

At the outset, counsel for the petitioner submits that there is a possibility of settlement between the parties and in order to show his bonafides, petitioner is willing to return the articles allegedly in his possession as deposed by him in his affidavit dated 23.02.2022 (Annexure P-5) and also meet the litigation and travelling expenses of Rs.25,000/- on behalf of the complainant.

Notice of motion.

On asking of the Court, Mr. Bhupender Beniwal, AAG, Punjab accepts notice on behalf of

the respondent-State. He is assisted by Mr. Gurinder Singh Dhillon, Advocate for the complainant, who has also instructions to submit that possibility of settlement can be explored.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 10.03.2022 at 10.00 a.m.

On the day of appearance before the Mediation Centre, petitioner will pay litigation and travelling expenses of Rs.25,000/- to the complainant.

List on 19.07.2022, to await the report of Mediator.

Meanwhile, the petitioner shall join the investigation on 07.03.2022 at 11.00 a.m., at Police Station Women Cell, Patiala, District Patiala and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C. On joining the investigation, the petitioner will return all the articles, details of which have been given by him in the affidavit dated 23.02.2022 (Annexure P-5)."

Report has been received from the Mediation and Conciliation Centre of this Court that the parties could not arrive at any settlement, though the petitioner paid the expenses as directed by this Court.

Upon instructions from ASI Baljinder Singh, State counsel submits that the petitioner has joined the investigation, but some gold articles weighing roughly about 13 *tolas* are in the possession of the petitioner, which have to be recovered. This fact has been disputed by counsel for the petitioner. However, without going into this aspect, this Court deems it appropriate to direct the petitioner to deposit a sum of Rs.2 lac before the Area Magistrate, concerned.

In view of the above, the present petition is allowed and the order dated 28.02.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

Petitioner is directed to deposit an amount of Rs.2 lac before the Area Magistrate within a period of four months from today. In case, the amount is deposited, the same shall be kept in a Fixed Deposit with a Public Sector Bank for a period of 06 months with instructions for automatic renewal. The deposited amount along with accrued interest shall be paid to the party, who is found entitled to the same on conclusion of the trial. It is clarified that the deposit of the amount by the petitioner shall be without prejudice to his right of defence.

In case, the petitioner fails to deposit the amount within the above mentioned period, this petition shall be treated to have been dismissed and the State shall be at liberty to proceed in accordance with law.

19.07.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No