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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46595-2022

Date of Decision: November 15, 2022

Amar Puneet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Manuj Nagrath, Advocate
for the petitioner.

Mr.Sandeep Kumar, DAG, Punjab.

Complainant in person with
Mr.M.K.Dhot, Advocate.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.123, dated 03.09.2022, under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana.

Counsel for the petitioner submits that pursuant to the order dated 07.10.2022, the petitioner has joined investigation. He further submits that the parties were referred to the Mediation Centre of this Court, however, the mediation remained unsuccessful. It is submitted by the counsel that the couple remained together for three years and thereafter in the year 2019, they were blessed with one child, i.e. daughter. It is submitted that the complainant went to Canada and remained there for 1½ months and thereafter, she never joined the matrimonial home. He has submitted that

the petitioner tried his level best to reconcile the matter, however, the complainant never cooperated the same. He submits that he also filed a petition under Section 9 of the Hindu Marriage Act, which is sub judice.

On the other hand, counsel for the complainant, who is present alongwith the complainant, has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the dispute between husband and wife was since the beginning. He submits that the wife went to Canada and thereafter she returned to India on 20.03.2019 and thereafter the baby was born on 18.10.2019, however, it is because of the unreasonable attitude of the petitioner that she could not join the matrimonial home. He submits that the petitioner-husband caused physical as well as mental harassment to the complainant and hence, the present FIR was lodged. He also submits that though the parties appeared before the Mediation and Conciliation Centre of this Court, however, the petitioner did not cooperate in the same and recovery of articles remains to be effected.

On the other hand, learned State counsel, on instructions from ASI Suresh Kumar, has affirmed the fact that petitioner has joined the investigation. He submits that some of the dowry articles are recovered, however, recovery of some gold articles is yet remained to be effected.

After hearing the counsel for the parties, it is apparent that parties were referred to Mediation and Conciliation Centre of this Court, however, the mediation remained unsuccessful. The report of the Mediator is also placed on record which shows that despite best efforts by the Mediator, the parties could not arrive at an amicable settlement. It has been affirmed by the learned State counsel that the petitioner has joined the investigation, however, recovery of some dowry articles remains to be

effected. Non-recovery of dowry articles cannot itself be a ground for rejection of anticipatory bail. Investigation is to be completed and trial is to proceed.

In view of the facts and circumstances of the case, the interim order dated 07.02.2022, is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C..

Petition stands allowed.

November 15, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |