

318 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46963-2022
Date of Decision: 13.12.2022

HAPPY KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. APS Rehan, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

On 14.10.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No.51 dated 24.09.2022 under Sections 498-A, 323 and 34 IPC registered at Police Station Purana Shalla, District Gurdaspur.

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with the complainant on 01.08.2020. The allegations against the petitioner are to the effect that on 20.09.2022, he had inflicted injuries upon her. The petitioner has also been raising a demand of car.

It has been further submitted that the family of the petitioner was already having Bolero vehicle even prior to the marriage of the complainant with the petitioner. Nirmala Devi, the mother of the petitioner, has already been granted interim bail by this Court. Furthermore, the petitioner is ready and willing to amicably settle the matrimonial dispute.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Ajay Pal Singh Rehan, Advocate, also accepts notice on behalf of respondent No.2/complainant.

Learned counsel for the complainant submits that although he disputes the factual assertion as put forth on behalf of the petitioner, but the complainant is not averse to exploring the possibility of amicable settlement.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.11.2022.

The petitioner shall also pay a sum of Rs.30,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 13.12.2022.

To be heard alongwith CRM-M-46662-2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

As per the report, the mediation was unsuccessful.

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Even the certificates of respondent No.2 have been handed over to her.

Learned State counsel, on instructions from ASI Jagdeesh Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

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 14.10.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.12.2022
smriti

(VIVEK PURI)
JUDGE

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