

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-53559 of 2019
Date of decision:05.05.2022

Vishal Sharma

... Petitioner

Vs.

The State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Rahul Bhargava, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C., seeking grant of anticipatory bail to the petitioner in case FIR No.30 dated 20.09.2019 registered under Section 498-A of Indian Penal Code, 1860 at Police Station Women, District Police Commissionerate Amritsar.

Counsel for the petitioner submits that FIR is a fallout of marital discord and the petitioner has joined investigation in compliance of the order dated 16.12.2019 passed by this Court. He submits that although recovery of the dowry articles has been effected, but in view of the stand of the State that gold ornaments weighing 4 tolas are yet to be recovered, the petitioner in order to show his *bona fide*, but without admitting the allegations, is prepared to deposit Rs.1.00 lakh with the Area Magistrate.

Heard counsel for the parties.

Vide order dated 17.01.2022, this Court directed the parties to appear before the Mediator to explore the possibility of settlement. Report has been received that the mediation proceedings could not fructify.

Considering that the petitioner has joined investigation and is no longer required for custodial interrogation, except for the recovery of ornaments, order dated 16.12.2019 is made absolute subject to the compliance of conditions specified in Section 438(2) Cr.P.C., on the condition that the petitioner will deposit Rs.1.00 lakh with the Area Magistrate within a period of six weeks from today. In case, the petitioner makes the deposit, the same will be kept in a fixed deposit with a public sector bank for a period of six months with instructions for automatic renewal. The deposited amount as well as interest accrued thereon, shall be paid to the party, who is found to be entitled to the same on the conclusion of the trial. This will be without prejudice to the right of defence of petitioner.

The petitioner will also furnish an affidavit to this Court within the aforesaid period to the effect that he or his counsel will regularly appear before the Trial Court in the proceedings instituted by the complainant under Section 125 Cr.P.C and would not cause any delay in the proceedings.

May 05, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No