

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-491-2021 (O&M)

Date of decision : 18.07.2023

Davinder Pal Sood

... Petitioner(s)

Versus

State of Punjab & Anr.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwaljit Singh, Senior Advocate with
Mr. Arpan Sabharwal, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. Rajesh Narang, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. On 07.01.2021 the following order was passed :

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.236 dated 27.11.2020, registered under Sections 406, 498-A, 506 and 120-B of the IPC at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner is the husband of complainant/respondent No.2 Richa Sood and their marriage was performed on 28.04.2019, however, the same could not pull on and the present FIR has been registered with the allegations of cruelty, demand of dowry as well as miscarriage on account of

maltreatment by the petitioner.

Learned counsel further submits that he has instructions to say that without prejudice to the right of defence of the petitioner, he is ready to deposit a sum of Rs.5,00,000/- with the Illaqua Magistrate within a period of 30 days from today and another amount of Rs.5,00,000/- within a period of 120 days from today and the same may be kept in the form of FDR, subject to final outcome of the case.

Learned counsel further submits that petitioner is ready to explore the possibility of some amicable settlement with the complainant either to reconcile the marriage or to part away and the amount of Rs.10 Lakh, so deposited, can be utilized for the said purpose to provide a social security to complainant/respondent No.2.

Learned counsel for the petitioner further submits that when the anticipatory bail application of the petitioner was pending before the Additional Sessions Judge, he was granted interim protection with direction to join investigation along with remaining dowry articles, however, on a pressure exerted by the complainant, the police did not cooperate and the petitioner was not allowed to join investigation.

Notice of motion for 10.05.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

In case the petitioner finds any difficulty in joining investigation, he will move an application before the Illaqua Magistrate and the Illaqua Magistrate will direct the complainant/respondent No.2 to take the dowry articles back in the Court premises itself.

However, this order will be subject to a condition that petitioner will deposit an amount of Rs.5,00,000/- within a period of 30 days from today and another amount of Rs.5,00,000/- within a period of 120 days from today with the Illaqua Magistrate, which will be kept in the form of FDR, subject to final outcome of the case.

The deposit of aforesaid amount by the petitioner will have no prejudice to his right of defence.”

2. The parties were directed to be present today. In the pre-lunch session this Court interacted with the parties and since there appeared to be chances of an amicable settlement, the parties were sent to the Mediation and Conciliation Centre of this Court. The matter has been taken up in the post lunch session.

3. Learned counsel for the parties are *ad idem* that the parties have arrived at a compromise before the Mediation and Conciliation Centre of this Court and as per the Settlement Agreement dated 18.07.2023, the parties have decided to reside together. Learned counsel for the petitioner has pointed out that an amount of Rs.10,00,000/- (rupees ten lakhs only) has been deposited with the Illaqua Magistrate as directed vide order dated 07.01.2021 and the same may be ordered to be released.

CRM-M-491-2021 (O&M)

-4-

4. In the present case, vide order dated 07.01.2021 an amount of Rs.10,00,000/- (rupees ten lakhs only) was directed to be deposited with the Illaqa Magistrate, which was to be kept in the form of a FDR. Let the said FDR be encashed/released. The amount received on encashment/release of the said FDR be further invested by the petitioner and respondent No.2 in a fresh FDR in the name of Pankhuri Sood (minor daughter of the petitioner and respondent No.2) under the guardianship of both the parents. The minor daughter (Pankhuri Sood) would be entitled to encash the said fresh FDR on attaining majority for her further education.

5. In view of the above, the order dated 07.01.2021 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

18.07.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO