

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-387-2023 (O&M)
Date of decision : 03.07.2023

Ashraf Mohd. ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sameydeen, Advocate for
Mr. G.N. Malik, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhardwaj, AAG Punjab.

Mr. Abdul Aziz, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. On 06.01.2023 the following order was passed :

“Notice of motion.

*Mr. Jashandeep Singh, Assistant Advocate General,
Punjab, accepts notice on behalf of respondent No.1-
State, and Mr. Sandeep Siwar, Advocate, accepts notice
on behalf of respondent No.2-complainant.*

*Learned counsel for the petitioner and respondent No.2
are ad idem that the matter can be settled between the
parties and for that purpose they may be referred to the
Mediation and Conciliation Centre of this Court.*

*Ordered accordingly. The parties are directed to appear
before the Mediator of this Court on 23.01.2023.*

The petitioner is directed to pay an amount of `20,000 towards litigation and conveyance expenses to respondent No.2 before start of mediation proceedings between them.

Adjourned to 20.03.2023.

In the meanwhile, the State is directed not to take any coercive action against the petitioner. ”

Thereafter, on 20.03.2023 the following order was passed :

“This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No.177 dated 10.9.2022 under Sections 498-A and 406 IPC registered at Police Station Amargarh, District Malerkotla.

The matter could not be settled between the parties by way of mediation.

Adjourned to 3.7.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C. ”

2. Learned counsel for the State, on instructions from ASI Shish Pal, has stated that the petitioner has since joined investigation and is fully

co-operating and that he is no longer required for further custodial interrogation as of now.

3. In view of the above, the order dated 20.03.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

03.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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