

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

CRM-M-7060-2022

Date of Decision: 24.05.2023

Lucky Pandey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Arjun Kundra, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by SI Raghuvir Singh)

Mr. Sushant Kareer, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 23.11.2022, the following order was passed:-

“Learned counsel for the petitioner submits that in pursuance to order dated 21.2.2022 parties had appeared before the Mediation & Conciliation Centre of this court, however, the proceedings remained unsuccessful. She submits that the complainant wife is highly educated, whereas the petitioner is running a business.

Learned State counsel submits that investigation has not proceeded further as the petitioner was not directed to join investigation.

In view of the above position, order dated 21.2.2022 is modified to the extent of directing the petitioner to join the investigation.

Adjourned to 15.3.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the

satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- (iii) That the petitioner shall not leave India without prior permission of the court.”*

2. Learned counsel for the complainant submits that petitioner is contacting complainant on her mobile through different mobile numbers.

3. Learned State counsel, on instructions from SI Raghuvir Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

4. The complainant sought for litigation expenses and petitioner agreed to pay Rs.50,000/- within 10 days from today.

5. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

6. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.
7. The complainant is at liberty to move an appropriate application to the jurisdictional police authorities, if petitioner calls her. The jurisdictional police authorities would look into the representation and take appropriate action.
8. The petitioner is directed to pay a sum of Rs.50,000/- towards litigation expenses to the complainant within 10 days. If the petitioner fails to pay the aforesaid amount, the complainant would be at liberty to move an appropriate application seeking cancellation of bail.
9. In case, the complainant does not accept aforesaid amount, the petitioner would be at liberty to hand over cash/demand draft of Rs.50,000/- to learned counsel for the complainant who in turn shall hand over the same to the complainant.
10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.05.2023
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No