

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6861-2023 (O&M)
Date of Decision : 29.09.2023

Rishu KashyapPetitioner

VERSUS

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjay Jain, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Ms. Harjeet Kaur, Advocate for
Mr. Shiv Charan Bhola, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.138 dated 02.12.2022 registered under Sections 406, 498-A of the Indian Penal Code, 1860 at Police Station Women Police Station, District Police Commissionerate Ludhiana.

2. On 15.05.2023 the following order was passed :

“Vide order dated 09.02.2023, the matter was referred to the mediation for exploring the possibility of an amicable solution.

Vide report dated 09.05.2023, the Mediator has submitted that the matter has been compromised between the parties, who have decided to part ways.

Accordingly, the parties is directed to join investigation on 25.05.2023 at 10.00 AM before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 31.05.2023.”

3. Pursuant to the order dated 09.02.2023, the parties had appeared before the Mediation and Conciliation Centre of this Court where the parties had entered into a written compromise dated 08.05.2023. The compromise has been appended with the report of the Mediator dated 09.05.2023 wherein the parties have agreed to part ways.

4. Learned counsel for the petitioner has contended that the petition under Section 13-B of the Hindu Marriage Act, 1955 already stands filed and the statements of the first motion already stand recorded. Learned counsel would further contend that the petitioner has since joined investigation and has fully cooperated.

5. Learned counsel for the complainant states that the complainant would have no objection if the order dated 15.05.2023 is confirmed in view

of the compromise arrived at between the parties.

6. Learned counsel for the State, on instructions from SI Meet Ram Singh, has reiterated that the parties have entered into a compromise. Learned counsel, on instructions, further states that pursuant to the order dated 15.05.2023 the petitioner has joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

7. In view of the above, the order dated 15.05.2023 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.

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

September 29, 2023
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(ALKA SARIN)
JUDGE

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