

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+257

CRM-4696-2023

IN/AND

CRM-M-7993-2022

Date of Decision: 03.02.2023

Jaideep Singh Grewal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vishal Aggarwal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Sudesh Kumar)

Mr. Naveen Sharma, Advocate for the complainant-applicant
(in CRM-4696-2023)

JAGMOHAN BANSAL, J. (ORAL)

CRM-M-7993-2022 & CRM-4696-2023

On 24.02.2022, the following order was passed:-

“Counsel for the petitioner submits that a matrimonial dispute has occurred between a couple, who have been married for 10 years and have two children out of the wedlock. He has instructions to submit that there is a possibility of compromise and the petitioner is ready to bear the travelling and litigation expenses of Rs.35,000/- on behalf of the complainant.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent-State.

Mr. Naveen Sharma, Advocate has put in appearance on behalf of the complainant. He has instructions to submit that the possibility of settlement can be explored.

Parties are referred to the Mediation and Conciliation Centre of this Court and are directed to appear there on 08.03.2022 at 10.00 A.M.

On the day of their appearance before the Mediator, the petitioner will pay a sum of Rs.35,000/- as litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of the proceedings.

List on 14.07.2022 to await the report of the Mediator.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.”

By order dated 14.07.2022 and followed by order dated 03.11.2022, the petitioner was directed to join investigation.

Learned State counsel, on instructions from ASI Sudesh Kumar, submits that petitioner has joined investigation and no further custodial interrogation is required.

Learned counsel for the complainant seeks cancellation of concession of interim bail on the ground that petitioner has sold gold *kada* which was given at the time of marriage. He further submits that there is likelihood that petitioner may misuse concession of bail which is evident from the fact that he is doing recce of house of the complainant.

The marriage between the disputing parties was solemnized more than 10 years back and there are two children from the wedlock. The petitioner has joined investigation and no further custodial interrogation as per statement of learned State counsel is required. In the FIR, Section 406 is not invoked, thus, there is no question of breach of

solemnized 10 years back, thus, petitioner cannot be denied concession of anticipatory bail on the ground that one gold *kada* has been sold during these last 10 years.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 24.02.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

To allay apprehension of complainant that petitioner may misuse concession of bail, the State is directed to take care of complaints of the complainant and if at any stage, it is found that the petitioner is misusing the concession of bail, the complainant and the State would be free to move an appropriate application seeking cancellation of bail.

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.

In view of disposal of main case, all pending applications stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>