

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

210

Criminal Misc. No. M-7651 of 2022

Date of decision :-18.07.2023

Abhinav Aggarwal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Paras Talwar, Advocate and
Mr. P.S. Bindra, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. R.K. Gupta, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.132 dated 18.11.2021, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, District Jalandhar.

On 23.2.2022, this Court had passed the following order

:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-6781-2022

For the reasons mentioned in the application, the same is allowed, as prayed for.

Complainant-Aamna Gupta is ordered to be impleaded as respondent No.2 in the present petition. Amended memo of parties is taken on record.

CRM-M-7651-2022

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No. 132, dated 18.11.2021, under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Jalandhar.

It has been contended by learned senior counsel for the petitioner that the petitioner and the complainant have solemnized their marriage on 26.01.2020. It was second marriage of the petitioner as well as the complainant. Thereafter, the rift kept widening between the husband and the wife on account of their temperamental differences. He submits that despite best efforts, the matter could not be resolved. He further submits that the allegations pertaining to harassment on account of dowry, beating etc. are totally deliberated and have been levelled only in order to increase the gravity of offence. He has submitted that the petitioner is a very well educated member of the society and is still keen to settle the dispute with the complainant amicably in a graceful manner. He further submits that learned Additional Sessions Judge, Jalandhar had also taken into account the complete set of facts and the petitioner was allowed interim bail on 31.01.2022, however, the same was erroneously declined on 15.02.2022 primarily on the ground that recovery of dowry articles is yet to be effected. He further submitted that in view of the statutory provisions

and judicial precedents, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion.

On the asking of the Court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab, accepts notice on behalf of the State.

On the other hand, Mr. Raj Kumar Gupta, Advocate, puts in appearance on behalf of the complainant -wife and opposes the submissions made by learned senior counsel for the petitioner and submits that fault lies on the part of the petitioner for marital discord between the petitioner and the complainant

On interaction with counsel for both the parties, the Court finds that both are ad idem that the matter can be settled amicably. Both are of the opinion that the parties be referred to mediation Centre of this Court for exploring the possibility of one time settlement.

In view of the agreed position, the Court finds that the suggestion made is a genuine one.

Let both the parties appear before the Mediation and Conciliation Centre of this Court through physical/virtual mode on 04.03.2022 for making an effort to amicably settle the dispute.

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."

State is directed to file status report on or before the next date of hearing.

Adjourned to 01.06.2022."

Learned State counsel states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 23.2.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 18, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No