

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

211

CRM-M-7950-2023

Date of Decision: 08.05.2023

Gagandeep Singh Chadha

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Hardeep Singh, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Balbir Singh)Mr. Pranav Chamoli, Advocate for
Complainant/respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 15.02.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 07 dated 09.01.2023, under Sections 406 and 498-A IPC, registered at Police Station Anandpur Sahib, District Rupnagar.

The case of prosecution is that complainant-Gurjeet Kaur was married to Gagandeep Singh Chadha son of Balwinder Singh Chadha on 17.10.2021. The family of complainant gave sufficient dowry at the time of marriage. The husband and other family members started harassing the complainant on account of dowry. The brother of complainant transferred a sum of Rs. 75,000/- in the account of complainant which was withdrawn. A son was born

from this wedlock in July' 2022. Family of the husband did not provide proper care post delivery. The husband and his family members on 18.08.2022 demanded a sum of Rs. 1,00,000/- and a gold ring.

Learned counsel for the petitioner inter alia contends that brother of complainant deposited a sum of Rs. 75,000/- in the account of complainant. The amount was withdrawn by complainant. The petitioner has also deposited money in the account of complainant on different occasions which is evident from bank statement (Annexure P3). The dispute between the parties is primarily on account of the fact that complainant is pressurizing petitioner to make her brother partner in their business. Father of the complainant is no more and brother of the complainant is doing a small time business. Learned counsel submits that there is possibility of amicable settlement between the parties.

On oral request, complainant is impleaded as respondent No. 2.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

Process dasti qua complainant.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 09.03.2023 to explore possibility of settlement.

The petitioner shall pay Rs. 20,000/- to respondent No. 2 towards litigation expenses.

To await report, adjourned to 11.04.2023.

In the meantime, the investigating officer shall refrain from arresting the petitioner.”

2. On 11.04.2023, the following order was passed:-

“Learned counsel for the complainant concedes that putting off petitioner behind the bars would not help to survive the complainant and her child, however, he submits that petitioner has withdrawn a sum of Rs.70,000/- from the account of the complainant which needs to be refunded to her.

Without commenting upon merits of the case, the petitioner is directed to pay a sum of Rs.70,000/- to the complainant within two weeks from today.

By order dated 15.02.2023 arrest was stayed but petitioner was not directed to join investigation.

*Meantime, keeping in mind law enunciated by Hon’ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590; Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 SCC 427; Satender Kumar Antil v. CBI (2022)10 SCC 51; Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375; Shri Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 Supreme Court Cases 565; Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, at the first instance, the petitioner is directed to appear before Investigating Officer on 17.04.2023 at 10:00 AM and*

thereafter as directed by Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

*Adjourned to **08.05.2023.**”*

3. Learned counsels for the parties are in tandem that petitioner has paid a sum of Rs.70,000/- apart from Rs.20,000/- towards litigation expenses to the complainant.

4. Learned State counsel, on instructions from ASI Balbir Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

5. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 11.04.2023 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. 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

08.05.2023
Mohit Kumar

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