

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

214

CRM-M-8239-2022

Date of Decision: 17.04.2023

Harmanjot Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Mukul Goyal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Suresh Kumar)Mr. Naresh Bansal, Advocate with
Mr. Amit Bansal, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 25.02.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 26 dated 04.02.2022 under Sections 406, 498-A IPC, registered at Police Station Women, District Police Commissionerate Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the FIR has been lodged on the basis of the vague and false allegations. The family members of the petitioner have been found to be innocent, the petitioner has already instituted a petition under Section 125 Cr.P.C. and an application under Protection of Women from Domestic Violence Act, which are pending in the Court at Ludhiana. The petitioner had also instituted a petition under Section 13 of the Hindu Marriage Act at the earlier instance and the same has been subsequently withdrawn. The petitioner had also

submitted a representation, Annexure P-2 to the concerned police officials intimating the conduct of the complainant and threats hurled by her to falsely implicate the family and on the basis thereof, DDR was also registered. Furthermore, the petitioner is ready and willing to amicably settle the matter through the process of mediation. At the oral request, complainant-Charanjeet Kaur d/o S. Harcharan Singh, R/o H.No. 55, United Enclave, Manakwal Gate. Gill Ludhiana (Mobile No. 8283079926) is impleaded as respondent No. 2.

Notice of motion.

Ms. Ishneet Kaur, AAG Punjab accepts notice on behalf of the State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 23.03.2022.

For awaiting the report of the Mediator, adjourned to 28.05.2022.

The petitioner is also directed to pay a sum of Rs. 20,000/- to respondent No.2 to facilitate her presence and participation in the mediation proceedings on the first date of appearance before the Mediator.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall

also abide by the conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the respondent No.2/complainant submits that she is having a two and half year child and till date the petitioner has not paid even a single penny towards maintenance. She needs immediate financial assistance for her survival and to save her from destitution.

3. Learned counsel for the petitioner, on instructions from his client, submits that petitioner is ready to pay a sum of Rs.50,000/- by way of demand draft to the respondent No.2/complainant within 15 days from today to be handed over to Mr. Naresh Kumar Bansal, Advocate for the complainant.

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

5. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 25.02.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

It is made clear that if the petitioner does not pay Rs.50,000/- within 15 days from today to respondent No.2/complainant, she shall be at liberty to move an appropriate application.

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.

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

17.04.2023
Mohit Kumar

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