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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9900-2023 (O&M)
Date of decision : 21.08.2023

Gagandeep Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amandeep Chhabra, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG Punjab.
Mr. Ashish Pal Kaushal, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.120 dated 23.11.2022 under Sections 406, 498-A, 506 of Indian Penal Code, 1860, at Police Station Bahawwala, District Fazilka.
2. On 24.02.2023 the following order was passed :

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.120 dated 23.11.2022, under Sections 406, 498-A, 506 IPC, at Police Station Bahawwala, District Fazilka.
The petitioner is the husband and there are serious allegations against him.
Notice of motion.

Mr. Arnn Gupta, AAG, Punjab, accepts notice on behalf of the State.

At this stage, Mr. A.P. Kaushal, Advocate has put in appearance on behalf of the complainant and filed his Vakalatnama, which is taken on record.

Learned State counsel, with the assistance of learned counsel for the complainant, has fairly submitted that in fact, a compromise had been effected between the parties on earlier occasion, where they had agreed to return the amount and the gold, however, the petitioner backed out from the said compromise.

Faced with the above, learned counsel for the petitioner submits that he is ready to abide by the terms and conditions of the compromise. However, he prays that the matter be referred to the Mediation and Conciliation Centre of this Court.

Learned counsel for the respondent submits that he has no objection for sending the matter to the Mediation Centre, at this stage, only for the purpose of exploring the possibility of an amicable solution.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 15.03.2023. Without commenting on the merits, the petitioner shall join investigation on 02.03.2023 at 10:00 A.M. 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.

However, this interim shall only be granted for the

purpose of enabling the petitioner to appear before the Mediator, and in case, the mediation fails, the petition shall be decided on its own merits without any reference to the present order.

Learned counsel for the complainant submits that the matter be kept for a short date.

Adjourned to 28.04.2023.

The petitioner is further directed to bring a demand draft of Rs.11000/- in the name of respondent-wife and the same shall be handed over to her on her appearance before the Mediator.”

3. Learned counsel for the petitioner would contend that the parties have since compromised the matter and a petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed. Learned counsel would further contend that the petitioner has paid an amount of Rs.15,00,000/- to the complainant as part of the settlement and that the remaining amount is to be paid at the time of recording of second motion statement. Learned counsel would further contend that pursuant to the order dated 24.02.2023, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Ramesh Kumar, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned State counsel would further contend that the matter has since been compromised between the parties.

5. In view of the above, the order dated 24.02.2023 is made absolute. The petitioner shall, however, join investigation as and when

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called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

21.08.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

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