

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

211

CRM-M-11066-2022

Date of Decision : 13.02.2023

Abhinav Joshi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Sudhir Sharma, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. J.S.Thakur, Advocate
for the complainant

JAGMOHAN BANSAL, J. (Oral)

On 16.03.2022 the following order was passed :-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0005 dated 21.01.2022, registered for offence under Section 498-A of the Indian Penal Code, 1860, at Police Station Women, Jalandhar (Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. He is assisted by Mr. J.S.Thakur, Advocate for the complainant, who has filed “Memo of Appearance”, which is taken on record.

Considering the fact that the FIR is a result of a matrimonial dispute between a young couple,

who are from the medical profession and barely stayed together for a fortnight, this Court deems it appropriate to refer the dispute to the Mediation and Conciliation Centre of this Court to explore the possibility of settlement.

Parties are directed to appear before the Centre on 24.03.2022 at 10.00 A.M.

On causing appearance by the complainant-wife before the Centre, the petitioner will pay a sum of Rs.35,000/- to her as litigation and travelling expenses. The payment of expenses shall be a condition precedent to the initiation of the mediation proceedings.

List on 22.08.2022 to await report of the Mediator.

In the meanwhile, arrest of the petitioner, who is a government servant, shall remain stayed till the next date of hearing.”

The petitioner vide order dated 22.08.2022 was directed to join investigation on 30.08.2022. The order dated 22.08.2022 reads as :

“Report has been received from the Mediation Centre that mediation proceedings could not fructify. Petitioner is directed to join investigation on 30.08.2022 at 10.00 a.m., at Police Station Women, Jalandhar and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C. List on 13.02.2023.”

Learned State counsel on instructions from ASI Jaswant Singh submits that petitioner has joined investigation and no custodial

interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 22.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

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.

(JAGMOHAN BANSAL)
JUDGE

13.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>