

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11281-2023
Date of Decision: 19.10.2023

GURKIRPAL SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. D.S. Nigha, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. M.S. Swaitch, Advocate for respondent No. 2.

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VIVEK PURI, J. (ORAL)

1. On 11.08.2023, following order was passed:

“1. Petitioner is seeking anticipatory bail in case FIR No. 244 dated 05.12.2022 under Sections 498-A, 406, 323 IPC registered at Police Station Sadar Jagraon, District Ludhiana (Annexure P-1).

2. Status report by way of affidavit of Satvinder Singh Virk, PPS, DSP, Jagraon, District Ludhiana (Rural) on behalf of respondent No. 1-State has been filed in Court, which is taken on record.

3. Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with the complainant in the year 2021 but no child has been born from the wedlock. The FIR has been lodged on the basis of false and vague allegations. At the earlier instance, the petitioner was granted interim bail by the Court of Sessions and in pursuance thereof, he had joined the investigation. The allegations against the petitioner are with regard to inflicting injuries on the person of the complainant/respondent No.2, which resulted in hearing impairment.

4. The status report indicates that injuries were simple in nature and there is nothing to indicate that respondent No.2 has suffered any hearing impairment. At the earlier instance, the matter was amicably settled but the compromise could not further materialize. The petitioner is ready and willing to amicably settle the matrimonial dispute.

5. Learned State counsel, on instructions from ASI Kulwant Singh, submits that as per treating doctor, the ENT report was handed over to the patient. The complainant

also stated that she was not having the report.

6. It has not been disputed that the injuries at the most fall under Section 323 IPC.

7. Learned counsel for the complainant/respondent No. 2 has sought to dispute the allegations as put forth by the learned counsel for the petitioner but submits that the respondent No. 2 is not averse to exploring the possibility of amicable settlement through Mediation.

8. The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 05.09.2023. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 30,000/- to facilitate her presence and participation in the mediation proceedings.

9. Report of the Mediator be awaited for 19.10.2023.

10. 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. As per the report received from the Mediation and Conciliation Center of this Court, the matrimonial dispute has been amicably settled.
3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.
4. Learned State counsel, on instructions from ASI Anwar Masih, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.
5. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.08.2023 is made absolute.

19.10.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No