

CRM-M-11914-2022

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11914-2022

Date of Decision:24.02.2023

VINOD KUMAR AND ANR

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vaibhav Narang, Advocate and
Mr. Devansh Khanna, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab.

Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 16.01.2023 following order was passed:

“On 22.3.2022, following order was passed:-

“ Heard through Video Conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.86 dated 24.11.2021, registered for offences under Sections 498-A, 406 and 34 of the Indian Penal Code, 1860, at Police Station Purana Shalla, District Gurdaspur (Annexure P-1).

Counsel for the petitioners submits that petitioner No.1 is the husband and the petitioner No.2 is the father-in-law of the complainant. He has referred to recovery memo dated 26.02.2022 (Annexure P-2), to submit that the alleged dowry

articles have been handed over to the Investigating Officer.

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State respondent No.1. Upon instructions from ASI, Daljeet Singh, he submits that besides the articles recovered, some more articles are in the possession of the petitioners, which have to be recovered. Mr. Dheeraj Mahajan, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. He has instructions to state that there is a possibility of settlement between the parties. Counsel for the petitioners is also open to exploring the possibility of a settlement between the parties.

In view of the above, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.04.2022 at 10.00 A.M.

On causing appearance before the Centre, the petitioner will pay a sum of Rs.15,000/- to the complainant as litigation and travelling expenses.

The payment of expenses will be a condition precedent to the initiation of the mediation proceedings.

List on 21.07.2022 to await report of the Mediator. In the meanwhile, arrest of the petitioner shall remain stayed till the next date.”

As per report of the Mediator, it is not possible to resolve the dispute between the parties.

Adjourned to 24.2.2023.

*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 petitioners are directed to appear before investigation officer on 25.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioners shall co-operate the investigating officer.

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

Learned counsel for the parties are ad idem that petition under Section 13B seeking divorce by mutual consent stands filed before Family Court.

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 16.01.2023 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

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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

24.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>