

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15541-2022 (O&M)

Date of decision : 20.12.2023

Abdul Rashid

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amjad Khan, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Ms. Arzoo Modi, Advocate and

Mr. Mohd. Yousaf, Advocate for respondent No.2.

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.0075 dated 07.03.2022 under Sections 498-A/323 and 506 of Indian Penal Code, 1860 registered at Police Station City-1 Malerkotla, District Malerkotla (Annexure P-1).

2. On 21.04.2022 the following order was passed :

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No.0075 dated 07.03.2022 under Sections 498- A/323 and 506 IPC, registered at Police Station City-1 Malerkotla, District Malerkotla.

Learned counsel for the petitioner contends that it was second marriage of both the parties and they are having

nine months old child. There are no allegations with regard to entrustment or misappropriation of the dowry articles. He further submits that the possibility of amicable settlement through the process of mediation may be explored in the instant case.

On the oral request of learned counsel for the petitioner, complainant i.e. Shakila wife of Mohd. Shakeel, resident of Qila Rehmatgarh, Malterkotla is impleaded as respondent No.2. Registry to carry out the necessary correction in the memo of parties.

Notice of motion.

Mr. Hittan Nehra, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 23.05.2022.

The petitioner shall also pay a sum of Rs.20,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 23.08.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

3. Thereafter various attempts were made to try to amicably settle the matter before the Mediation and Conciliation Centre of this Court.

However, mediation had failed. Even this Court had made an attempt to try to amicably settle the matter. However, there does not seem to be any chance of an amicable settlement.

4. Learned counsel for the petitioner would contend that pursuant to the order dated 21.04.2022 the petitioner has joined investigation and has fully cooperated.

5. Learned counsel for the State on instructions from ASI Kulwinder Singh 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.

6. In view of the above, the order dated 21.04.2022 is made absolute. The petitioner shall, however, join investigation as and when 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.

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

20.12.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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