

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-17565-2022

Date of Decision: 20.07.2023

HARPREET SINGH

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.K.Bali, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. B.S.Bali, Advocate for respondent No.2.

* * * *

VIVEK PURI, J. (ORAL)

1. On 28.04.2022, following order was passed by the Co-ordinate

Bench:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.10 dated 08.01.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, Police Commissionerate Ludhiana (Annexure P-1).

Counsel urges that FIR (Annexure P-1) is the outcome of a marital dispute between the complainant and the petitioner. For the sake of marriage and future of a five month old child, counsel submits that the petitioner is ready to explore the possibility of settlement. He submits that the petitioner is ready to bear the travelling and litigation expenses of Rs.25,000/-, in case, respondent No.2 is called to appear before this Court.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-respondent No.1. Upon instructions from ASI, Vipin Kumar, he submits that household articles are yet to be recovered.

Respondent No.2 be served for 13.09.2022.

On the day, respondent No.2 causes appearance before

this Court, the petitioner will pay a sum of Rs.25,000/- to her on account of litigation and travelling expenses.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. 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. ”

2. As per the report received from the Mediation and Conciliation Center, Ludhiana despite best efforts the matter could not be resolved amicably.
3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court. There is no allegation with regard to demand or misappropriation of the dowry in the FIR. The academic certificates and personal documents of the complainant have been returned to her and the petitioner is not in custody of any article of *Istridhan*.
4. Learned State counsel, on instructions from ASI Harjinder Singh, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.
5. Learned counsel for the complainant has opposed the bail application on the score that the petitioner has not made any payment in the proceedings under Section 125 Cr.P.C. despite the fact that maintenance has been awarded in favour of the complainant.
6. Be that as it may, the complainant can initiate the execution proceedings for enforcement of the order. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

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7. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.04.2022 is made absolute.

8. The petition stands allowed.

20.07.2023

Janki

(VIVEK PURI)
JUDGE

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