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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18976-2023 (O&M)
Date of decision : 13.10.2023

Mohit Malhotra ... Petitioner(s)

Versus

State Of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gourav Goel, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Anmol Puri, Advocate for the complainant.

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.17 dated 06.03.2023 under Sections 406, 498-A of the Indian Penal Code, 1860, registered at Police Station Women Patiala, District Patiala (Annexure P-1).

2. On 19.04.2023 the following order was passed :

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.17 dated 06.03.2023 under Sections 406, 498-A IPC, registered at Police Station, Women, Patiala.

Learned counsel for the petitioner contends that there are temperamental differences between the petitioner

and the complainant, and the former has filed a petition for divorce (Annexure P-3) also. It is further contended that similar allegations levelled by the complainant against all other family members have already been found false. The petitioner has no criminal antecedents and is ready and willing to join the investigation.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 02.08.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

3. Learned counsel for the parties are *ad idem* that the parties have settled all their disputes before the Mediation and Conciliation Centre of this Court by way of a written compromise dated 21.09.2023 and a petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent has also been filed. Report of the Mediator has also been appended with the present petition along with the settlement dated 21.09.2023.

4. Learned counsel for the State has contended that in view of the settlement, he has no objection if the order dated 19.04.2023 is made absolute.

5. In view of the above, the order dated 19.04.2023 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.
6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

13.10.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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