

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19198-2023 (O&M)
Date of Decision : 29.09.2023

Rohit Kumar

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Sarwara, Advocate for the Petitioner.
Mr. M.S. Tiwana, AAG Punjab for respondent No.1.
Ms. Pranjali Garg, Advocate for
Mr. K.S. Siwach, Advocate for respondent No.2.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.10 dated 18.02.2023 registered under Sections 406/498-A/323 of the Indian Penal Code, 1860 at Police Station Women Cell, Jalandhar City, District Jalandhar.

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.10 dated 18.02.2023 under
Sections 406, 498-A, 323 IPC registered at Police*

Station, Women Cell, Jalandhar City, District Jalandhar.

Learned counsel for the petitioner contends that on receiving notice dated 08.03.2023 under Section 41A Cr.P.C., he has joined the investigation. Still, the police are raiding his premises and want to arrest him. It is further contended that the allegations in the FIR are vague and general in nature. The incident of alleged beatings given by the petitioner in drunk condition is also dated 25.11.2020, and cannot be believed. He is ready and willing to join the investigation.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. Mr. K.S. Siwach, Advocate, accepts notice on behalf of the complainant.

Adjourned to 05.07.2023.

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.

At this stage, learned counsel for the complainant submits that there are chances that issues between the parties can be settled by way of mediation. Learned counsel for the petitioner has no objection to the petitioner joining the mediation.

In view thereof, the parties are directed to appear before the Mediator in the Mediation and Conciliation Centre of this Court on 26.04.2023.”

3. Learned counsel for the petitioner has contended that though the mediation proceedings had failed, however, subsequently the parties have entered into a compromise and are now residing together. Learned counsel would further contend that the petitioner has also joined investigation and has fully cooperated.

4. Learned counsel appearing on behalf of the complainant has stated that the parties have since compromised the matter and are now residing together.

5. Learned counsel for the State, on instructions from ASI Rajesh Kumar, has stated that the parties have entered into a compromise. Learned counsel, on instructions, further states that pursuant to the order dated 19.04.2023 the petitioner has joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 19.04.2023 is made absolute. The petitioner shall, however, join investigation as and when called

for. 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.

September 29, 2023
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(ALKA SARIN)
JUDGE

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