

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

[207]

CRM-M-24413-2021

Date of Decision: 10.02.2023

Gurbir Singh Gill

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. G. K. Mann, Senior Advocate with
Mr. Gursewak Singh, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. P.S. Ahluwalia, Advocate for the complainant.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.40 dated 14.06.2021 registered at Police Station Women, District Patiala under Sections 377, 406 and 498-A IPC.

On 30.06.2021, the following order was passed by this Court:-

“Learned Senior counsel inter alia submits that it is essentially a matrimonial dispute between the petitioner and the complainant-wife as the latter was unable to adjust in her matrimonial home. She has further submitted that false allegations of mental harassment on account of dowry demand have been levelled in the FIR in question which stand belied from the audio transcript annexed as Annexure P-3. While inviting the attention to the audio transcript, it has been submitted that it is very evident that the complainant was never harassed for insufficient dowry as alleged but it was more of an ego problem between the spouses.

On a pointed query put to the learned Senior counsel as to whether the petitioner was willing to explore the possibility of an amicable settlement/reconciliation with the complainant-

wife, she has replied in the affirmative and has requested that the matter be referred to the Mediation Conciliation Centre of this Court.

Notice of motion.

Mr. P.S. Ahluwalia, Advocate, has put in an appearance on behalf of the complainant. He undertakes to file his power of attorney in the Registry of this Court. Learned counsel for the complainant has reiterated the allegations levelled in the FIR against the petitioner. He contends that in fact the petitioner's family has a history of maltreating their daughters-in-law inasmuch as the younger daughter-in-law was also turned out of her matrimonial home in a similar fashion. Learned counsel has laid a great deal of stress on the allegation of debauchery levelled against the petitioner in the FIR in question which also find reflected in the audio transcript between the petitioner and the complainant (Annexure P-3). He however does not oppose the request of the learned senior counsel for the petitioner to refer the matter to the Mediation and Conciliation Centre of this Court.

In the wake of the request of the learned counsel for the parties, the matter is referred to Mediation and Conciliation Centre of this Court. Mr. V.K. Kapoor, IPS (Retd.) is appointed as Mediator to explore the possibility of an amicable settlement between the parties. Parties are directed to appear before him on 05.07.2021.

In the meantime, no coercive steps shall be taken against the petitioner till the next date of hearing.

Adjourned to 29.07.2021.”

The parties were directed to appear before the Mediation & Conciliation Centre of this Court, however medication could not be fructified. Thereafter, this Court vide order dated 31.01.2022 granted interim protection to the petitioner. The relevant extracts of which read as:

“As per report received from the Mediation and Conciliation Centre, parties failed to resolve their dispute amicably.

Learned Senior counsel for the petitioner

submits that the petitioner is ready to join and cooperate with the investigating agency. She further submits that the petitioner is no longer in possession of any dowry articles of the complainant, which also find noticed by the investigating agency in their inquiry report dated 19.08.2021.

Adjourned to 13.07.2022.

State counsel shall verify the authenticity of the submissions made by counsel for the petitioner with respect to the inquiry report dated 19.08.2021.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Baljinder Singh submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 31.01.2022 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 State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

10.02.2023
Anjal

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No