

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

206

CRM-M-22200-2023 (O&M)
Date of decision: 29.11.2023

Sukhpal Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shubhashish Kukreti, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Ms. Anju Bansal, Advocate
for respondent Nos. 2 and 3.

MANISHA BATRA, J. (Oral)

1. Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 0009 dated 03.02.2023, registered under Sections 498-A, 120-B of the IPC (Section 406 IPC added later on) and Section 3 of the Dowry Prohibition Act, 1961 at Police Station Women, District Patiala.
2. While issuing notice of motion on 04.05.20213, the following order was passed by this Court:

“On the oral request of learned counsel for the petitioner, complainant and victim are impleaded as respondents No.2 and 3 respectively. Amended memo of party is taken on record. Registry is directed to tag the same at the appropriate place.

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.0009 dated 03.02.2023

(Annexure P-3), registered at Police Station Women, District Patiala, under Sections 498A and 120B of IPC, 1860 and Section 3 of Dowry Prohibition Act, 1961 (Section 406 of IPC added later on).

Learned counsel for the petitioner *inter alia* contends that petitioner has no dispute with his wife. The complainant who is father-in-law of the petitioner is instigating his daughter and has got lodged FIR against the petitioner. The wife of the petitioner was happily residing with him. The wife/victim is suffering from neuro problem and petitioner was regularly getting her treated. She was got admitted in a hospital at Patiala from 01.05.2021 to 22.05.2021 and all the expenses were born by the petitioner. The petitioner wants that his wife should join his company. The couple is blessed with a daughter who at present is staying with the petitioner. Learned counsel for the petitioner further submitted that there are possibilities of settlement and matter may be referred to Mediation & Conciliation Centre of this Court.

Notice of motion.

Dasti as well.

On the asking of Court Mr. Shiva Khurmi, AAG, Punjab accepts notice on behalf of respondent-State. In view of the statement made by learned counsel for the petitioner, the matter is referred to Mediation and Conciliation Centre of this Court.

Parties are directed to appear before Mediation and Conciliation Centre of this Court on 24.05.2023.

For awaiting the report of Mediation and Conciliation Centre, adjourned to 31.08.2023.

In the meantime, Investigating Officer is directed to refrain from taking coercive steps against the petitioner.”

3. Thereafter, on 31.08.2023, while granting interim bail to the

petitioner and directing him to join investigation, the following order was passed by this Court:

“Ms. Anju Bansal, Advocate, has appeared on behalf of the complainant in this petition and has submitted her Power of Attorney in the Court and the same has been placed on the file.

Learned State counsel, on the instructions from HC Paramjeet Singh from Women Police Station, District Patiala, submits that certain dowry articles, including 'Streedhan' of the complainant, are to be recovered from the petitioner.

Learned counsel for the petitioner submits that though vide the order dated 04.05.2023 passed by the Co-ordinate Bench, the Investigating Officer had been directed to refrain from taking coercive steps against the petitioner but the petitioner had not been directed to join in the investigation and if so directed, he is ready to join in the said proceedings.

It being so, the petitioner is directed to join in the investigation on 13.09.2023 at 10.00 A.M. Sharp and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/ Investigating Officer.

However, the petitioner shall continue to join in the investigation as and when so required, even after 13.09.2023 and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

4. Learned counsel for the petitioner submits that the mediation has failed between the parties. It is also submitted that the petitioner, in pursuance to the order dated 31.08.2023, has already appeared before the SHO/Investigating Officer and has joined the investigation.

4. Learned counsel for the State, assisted by learned counsel for respondent Nos. 2 and 3, has filed the status report of the even date and on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

5. In view of the above, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 31.08.2023, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

29.11.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No