

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**212-1****CRM-M No.24518 of 2023****Date of Decision : 13.12.2023**

Ashok Kumar Datyal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anuj Dewan, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Munish Puri, Advocate for the complainant.

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.116 dated 01.12.2022 registered under Sections 498-A, 406 and 506 of the Indian Penal Code, 1860 at Police Station Sadar, District Pathankot..

2. On 15.05.2023 the following order was passed :

“The present petition has been filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner (who is stated to be the father in-law of the complainant) in case FIR No.116 dated 01.12.2022, registered under Sections 498-A, 406 and 506 of the Indian Penal Code, 1860 at Police Station Sadar,

District Pathankot.

Learned counsel for the petitioner submits that the entire allegations leveled in the FIR are false and concocted and in fact, it is a counter blast to the divorce petition filed by the son of the petitioner against the complainant, which was prior in time to the lodging of the present FIR.

Learned counsel for the petitioner has very fairly submitted that the petitioner is ready to get effected the recovery of the articles which were gifted to the complainant by her parents and also the articles which were gifted by the petitioner to the complainant/daughter-in-law at the time of marriage, which falls under the category of istridhan.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent-State.

At this stage, Mr. Munish Puri, Advocate has put in appearance and filed his Memorandum of Appearance on behalf of the complainant in Court today, which is taken on record and very fairly submits that in fact this matter can be referred to the Mediation.

Per contra, learned counsel for the petitioner submits that, in fact, Mediation was tried before the Hon'ble Supreme Court of India, where the parties had approached for transfer of the proceedings, however,

could not controvert to the fact that the said Mediation was online Mediation.

Counsel for the parties are ad idem that one more effort can be made to explore a possibility of an amicable solution, in case, the parties are directed to appear in person before the Mediator.

Without commenting upon the merits of the case, the petitioner is directed to join investigation on 26.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 16.08.2023.”

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated.

4. Learned counsel for the State on instructions from SI Mohan Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 15.05.2023 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.

(ALKA SARIN)
JUDGE

13.12.2023

jk

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