

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212-B

CRM-M-25264-2023 (O&M)

Date of Decision : 13.12.2023

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

2. On 18.05.2023 the following order was passed :

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.116 dated 01.12.2022, under Sections 498-A, 406, 506 of IPC at Police Station Sadar, Distt. 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 petitioner, 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 all the articles which were gifted at the time of marriage, which falls under the category of Istridhan.

Notice of motion.

Mr. Pankaj Khullar, 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.

Learned 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 on the merits of the case, the petitioner is directed to join investigation on 29.05.2023 at 10:00A.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 be satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Learned counsel for the petitioner has submitted that the petitioner has to appear in the proceedings under Section 125 Cr.P.C. also on 29.05.2023 before the Family Court at Pathankot and he is ready to make some payment qua the arrears of maintenance on the same date, therefore, the question of grant of litigation expenses to the complainant- wife is kept open.

Accordingly, the petitioner as well as the complainant are directed to appear before the Mediation and Conciliation Centre of this Court on 30.05.2023, as both the parties are well-educated and it is expected that they will maturely try their best to resolve the matter amicably.

Adjourned to 31.08.2023.”

Thereafter, on 31.08.2023 the petitioner had stated that two earrings were given to his grandmother at the time of marriage and the same was not available and that he is willing to pay the amount equivalent to the weight of earrings. Subsequently, a cheque for the amount equivalent to the value of the earrings has been handed over to the Investigating Officer and some of the gold articles have also been returned. However, the complainant has not claimed the same till date.

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Mohan Lal, has stated that the petitioner has since joined investigation and has 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 18.05.2023 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.

13.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

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