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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25804-2023 (O&M)
Date of decision : 09.08.2023

Jaspinder Singh ... Petitioner(s)

Versus

U.T. Chandigarh ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lukesh Kumar, Advocate for the petitioner.

Mr. Anupam Bansal, Addl. PP for
Mr. A.M. Punchi, PP for UT Chandigarh.

Mr. Parminder Singh, 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.17 dated 31.03.2023 under Sections 498-A and 406 of Indian Penal Code, 1860 (IPC) at Police Station Women Police Station, U.T. Chandigarh.

2. On 22.05.2023 the following order was passed :

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.17 dated 31.03.2023 under Sections 498-A and 406 of IPC at Police Station women Police Station, UT, Chandigarh.

Learned counsel for the petitioner submits that the allegations leveled in the FIR are vague and general in nature and, in fact it is the outburst of a dismissal of the

application for interim maintenance filed by the complainant, after which the present FIR has been lodged.

Notice of motion.

Mr. Ashu Mohan Punchi, P.P., UT with Mr. Viranjeet Singh Mahal, Addl. P.P., UT, Chandigarh on instructions from ASI Dalbir Singh, accepts notice on behalf of the State-UT.

Per contra, learned counsel for UT, Chandigarh has opposed the bail and has submitted that, in fact, the petitioner was granted the concession of bail by the trial court but he has not cooperated, and rather he has changed the gold articles brought by him at the time of recovery of articles, as the said articles were not the one which were given to them and it was alleged that the same were changed.

Faced with the above, learned counsel for the petitioner submits that the petitioner be given one chance, and he will get the entire recoveries effected positively and or in the absence of any short come falls, he will deposit the amount equivalent to the said goods. In case, certain goods are not recovered, the petitioner shall deposit the amount, however no money would be released to the complainant.

To test the bona fide of the petitioner, the petitioner is directed to join investigation on 30.05.2023 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.

Adjourned to 09.08.2023.

At this stage, learned counsel for the petitioner submits that, subsequent to his joining the investigation and getting the recoveries effected, an effort could be made to amicably resolve the matter, therefore, he prays that he be permitted to implead the complainant as a party so that, in case the complainant comes, the matter could be referred to mediation and conciliation for exploring an amicable solution.

It is made clear that in case, it is reported that the petitioner has not got the entire recovery effected or has not cooperated in the investigation, or even otherwise this order shall not be considered at the time of final adjudication of the matter on merits.”

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 Addl. PP for UT Chandigarh, on instructions from ASI Rajni Devi, has stated that the petitioner has since joined investigation. However, one *kada* and one ring remain to be recovered. Learned counsel would further state that the ring and the *kada* are stated to be worth about Rs.1,93,000/- and in lieu thereof today a cheque of Rs.2,00,000/- in the name of the father of the complainant has been handed over by learned counsel for the petitioner to the complainant, who is present in Court. The learned counsel for the petitioner has assured the Court that the cheque shall

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be honoured and can be duly encashed. Learned Addl. PP for UT Chandigarh, on instructions, has further stated that the petitioner is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 22.05.2023 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.

7. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

09.08.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO