

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

206

Criminal Misc. No. M-26307 of 2023

Date of decision :-06.09.2023

Iqbal Muhamad @ Iqbal Khan

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. P.S. Punia, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.23 dated 05.12.2022, under Sections 406 and 498-A IPC, registered at Police Station Malerkotla, District Malerkotla.

On 24.5.2023, this Court had passed the following order

:-

“The present petition has been filed under Section 438 Cr. P.C is for grant of anticipatory bail to the petitioner in case FIR No.23 dated 05.12.2022, registered under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Malerkotla, District Malerkotla.

Learned counsel for the petitioner submits that all the allegations leveled in the FIR are vague and there is no date mentioned in the FIR. Even there are no bills or proof of the dowry articles given.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent-State and submits the main bone of contention is the demand being raised by the petitioner and his family qua a better motorcycle and the land which the complainant is to inherit after the demise of her parents and that is the actual reason for harassment. He further submits that, in fact, it is on record that Panchavats were held which demonstrates that there was a dispute.

Adjourned to 06.09.2023.

In the meantime, the petitioner is directed to join investigation on 29.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter and get the recoveries effected.

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.

Learned counsel for the petitioner, at this stage, submits that the matter can be amicably resolved and same be referred to the Mediation and Conciliation Centre, however, the complainant is not a party to this petition and he be permitted to implead her as a party. He further submits that he shall not demand any claim on the

land of the complainant and to test the bona fide of the petitioner, the complainant be impleaded as a party within 3 days from today, by filing an appropriate application. Once the complainant is made a party, then notice be issued.

Both the parties are directed to appear before the Mediation Centre of this Court on 07.07.2023. In case, the petitioner does not file an application within 3 days for impleading the complainant as a party, this order shall not be come into force.”

Learned State counsel, on instructions from ASI Jagroop Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

However, it is submitted that vide order dated 24.5.2023 itself, the parties were directed to appear before the Mediation and Conciliation Centre but as per report of the Mediator dated 24.8.2023, the mediation has failed.

In view of the above, the order dated 24.5.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 06, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

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