

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

206

Criminal Misc. No. M-26758 of 2023

Date of decision :-31.08.2023

Atul Wadhwa @ Atul Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
Assisted by ASI Sukhmander Singh.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.21 dated 09.3.2023, under Sections 406 and 498-A IPC, registered at Police Station City-2, Abohar, District Fazilka.

On 25.5.2023, this Court had passed the following order

:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 21 dated 09.03.2023, under Sections 406 and 498-A IPC, registered at Police Station City-2, Abohar, District Fazilka.

Learned counsel for the petitioner inter alia contends that marriage of the petitioner with complainant was solemnized on 11.03.2016 whereas FIR came to be registered on 09.03.2023.

No complaint was filed during seven years from the date of marriage, however, complainant has concocted a story to implicate the petitioner. The complainant herself on 13.12.2022 left her matrimonial home alongwith ornaments. The petitioner convened a panchayat at parental home of the complainant, however, complainant refused to join company of the petitioner. Sessions court has granted concession of anticipatory bail to co-accused. The dispute between the parties is actually on account of demand of complainant to stay in a separate house. There is no demand of dowry. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 17.08.2023.

On the asking of Court, Ms. Guramrit Kaur, DAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

*Mr. Armaan Gagneja, Advocate, filed vakalatnama on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender***

Kumar Antil V. CBI (2022)10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 30.05.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaga Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

Learned counsel for the parties state that there are chances of amicable settlement.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.06.2023 to explore possibility of settlement.

The petitioner shall pay Rs. 22,000/- to the respondent towards litigation expenses.”

Learned State counsel, on instructions from ASI Sukhmander 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.

In view of the above, the order dated 25.5.2023 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.

August 31, 2023

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No