

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28195-2022 (O&M)
Date of decision : 20.12.2023

Krishan Kumar ... Petitioner(s)

Versus

State of Punjab and another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.B.S. Dhillon, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.
Ms. Sapna Seth, Advocate for respondent No.2.

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.0076 dated 14.06.2022 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Dugri, Police Commissionerate Ludhiana, District Ludhiana.
2. On 11.07.2022 the following order was passed :

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0076 dated 14.06.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Dugri,

Police Commissionerate Ludhiana, District Ludhiana.

Counsel for the petitioner submits that FIR is outcome of a matrimonial dispute and there is a possibility of settlement between the parties.

Notice of motion in the main case as well as in the application (CRM-23396-2022) for placing on record Annexures P-6 to P-9.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-respondent No.1.

Respondent No.2 be served for 19.09.2022.

On the day, complainant-respondent No.2 causes appearance before this Court, the petitioner will pay her a sum of Rs.55,000/- by way of litigation and travelling expenses.

In the meanwhile, arrest of the petitioner, who is working as Assistant Director, Micro Small & Medium Enterprise, is stayed till the next date.”

Thereafter on 19.09.2022 the following order was passed :

“Ms. Sapna Seth, Advocate has put in appearance on behalf of the complainant-respondent No.2 and has filed Power of Attorney, which is taken on record.

A demand draft of Rs.55,000/- drawn in the name of the complainant, a Xerox copy of which has been retained on the record, has been handed over to the counsel representing her.

On joint request made by counsel for the parties, parties are referred to the Mediation and Conciliation Centre of this Court and they are directed to appear there on 26.09.2022 at 10:00 A.M.

List on 16.02.2023 to await the report of the learned

Mediator.

Upon instructions received from ASI, Amrik Singh, State counsel submits that recovery is to be effected from the petitioner.

Petitioner is directed to join the investigation on 24.09.2022 at 11.00 A.M. at Police Station Dugri, Police Commissionerate Ludhiana, District Ludhiana and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

3. Pursuant to the order dated 03.11.2023 a demand draft of Rs.5,000/- has been handed over by the learned counsel for the petitioner to the learned counsel for respondent No.2 in Court today. The parties are also present in Court and there does not seem to be any chance of an amicable settlement between them.

4. Learned counsel for the petitioner would contend that pursuant to the order dated 19.09.2022 the petitioner has joined investigation and has fully cooperated.

5. Learned counsel for the State on instructions from SI Jaswinder Singh has stated that the petitioner has since joined investigation and has fully cooperated and that all the articles as per the original list supplied by the complainant-respondent No.2 have been returned. Subsequently, the complainant-respondent No.2 had orally informed the Investigating Officer

that there are certain other articles which are yet to be recovered, however, neither any list nor supporting bills have been provided to the Investigating Officer. Learned State counsel has further pointed out that the petitioner is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 19.09.2022 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.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

20.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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