

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(204)

CRM-M-28942-2022

Date of decision:- 08.08.2023

Mohit Kandhari

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Bhriugu Dutt Sharma, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. Ankit Gupta, Advocate for respondent No.2.

**HARPREET SINGH BRAR, J. (Oral)**

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.99 dated 12.05.2022 registered under Sections 498-A, 406, 323 IPC 1860 at PS-City Hoshiarpur, District Hoshiarpur.

On 07.02.2023, following order was passed by the Co-ordinate Bench of this Court:-

“xxxxxxxxxx

*On 08.07.2022, following order was passed:*

*“Learned counsel for the petitioner as also learned counsel for the complainant submit that there is a good chance that the dispute between their respective clients may be amicably settled.*

*In view of the above, the parties are referred to the Mediation & Conciliation Centre of this Court where they are directed to appear on 19.07.2022 at 11 a.m.*

*To await the report of the mediator, adjourned to 20.10.2022.*

*Only to facilitate the mediation, proceedings the petitioner's arrest is stayed till the adjourned date.”*

*Learned counsel for the petitioner submits that it is case of temperamental issue and there was no demand of dowry. The marriage between the parties was solemnized on 22.4.2016 and FIR came to be registered on 12.5.2022. The petitioner has already returned istridhan which was available with him still he 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.*

*On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.*

*Mr. Sandeep Kumar Yadav, Advocate filed vakalatnama on behalf of respondent No. 2. The same is taken on record. Registry is directed to tag the same at an appropriate place.*

*Meantime, keeping in mind 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**, at the first instance, the petitioner is directed to appear before investigation officer on 13.02.2023 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*

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*Illaq 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.*

*Adjourned to 28.2.2023.”*

2. Learned State counsel, on instructions from the investigating officer, has stated that the petitioner has joined the investigation and is no more required for custodial interrogation.

3. In view of the statement of learned State counsel, order dated 07.02.2023 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

4. Petition stands disposed of.

5. 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.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**August 08, 2023**

spn

**Whether speaking/reasoned : Yes/No**  
**Whether Reportable : Yes/No**