

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

215

CRM-M-30811-2022

Date of Decision: 19.01.2023

Gurdhian Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Pradhuman Garg, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab

(assisted by HC Mahinder Singh)

JAGMOHAN BANSAL, J. (Oral)

On 25.07.2022, 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.0028 dated 24.06.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, District Patiala (Annexure P-1).

Counsel for the petitioner submits that the petitioner, who is the husband of the complainant, is willing to take her back to the matrimonial home. He submits that a separate petition seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 has been instituted, which is pending. He submits that the petitioner is ready to explore the possibility of settlement.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of State-respondent No.1. Upon instructions from SI, Gurjeet Kaur, he submits that 5 persons have been named as accused and except the petitioner, all others are on interim bail. He has specific instructions to state that gold ornaments weighing 4 tolas (approx.) and household articles are to be recovered from the petitioner.

Mr. Gurjinder Singh Thind, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama, which is taken on record. He has instructions that there is a possibility of settlement.

In view of above, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 04.08.2022 at 10.00 A.M.

List on 19.01.2023 to await report of the Mediator.

On the day of appearance before the Centre, the petitioner will pay a sum of Rs.20,000/- by way of litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of the mediation proceedings.

The petitioner shall appear before the Investigating Officer at Police Station Women, District Patiala on 01.08.2022 at 10.00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his 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.”

The parties appeared before Mediator and as per report dated 06.01.2023 of Mediator, the parties have entered into Panchayati Compromise dated 03.08.2022.

Learned State counsel, on instructions from HC Mahinder Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of statement of learned counsel for the parties, the petition is allowed and interim bail granted to the petitioner vide order dated 25.07.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

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.

(JAGMOHAN BANSAL)
JUDGE

19.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*