

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-31323-2022 (O&M)

Date of Decision : 07.11.2023

MUSHTAQ ALI ALIAS MUSTAK ALI

.... Petitioner

VERSUS

STATE OF PUNJAB AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Kainth, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Rajender Kumar, Advocate for

Mr. Pushpinder Kaushal, 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.70 dated 26.09.2021 under Section 498-A of the Indian Penal Code, 1860, registered at Police Station Women, District Patiala.

2. On 31.08.2022 the following order was passed :

“Mr. Pushpinder Kaushal, Advocate and Mr. Ritin Vatrana, Advocate have put in appearance on behalf of respondent No.2 and have filed 'Vakalatnama', which is taken on record.

In compliance of the order dated 17.08.2022, petitioner has paid Rs.35,000/- in cash by way of litigation and travelling expenses to the complainant-

respondent No.2, who is present in person.

Counsel representing the private parties are ad idem that there is a possibility of settlement between the parties, for which purpose, the matter be referred to the Mediation and Conciliation Centre of this Court.

Their request is accepted.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 07.09.2022 at 10.00 A.M.

List on 19.01.2023 to await the report of learned Mediator.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.”

3. Subsequently the parties appeared before the Mediation and Conciliation Centre of this Court, however, settlement could not be arrived at between the parties. Thereafter, vide order dated 04.09.2023 the petitioner had been directed to join investigation and cooperate with the investigating agency.

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

5. Learned counsel for the State, on instructions from HC Paramjeet Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the orders dated 31.08.2022 and 04.09.2023 are 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.

07.11.2023

Aman Jain

(ALKA SARIN)
JUDGE

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