

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

204

CRM-M-32112-2022 (O&M)

Date of Decision : 13.12.2023

MANINDER SINGH @ VICKY

.....Petitioner

versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Kaith, Advocate for
Mr. A.V.S. Barsat, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

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.120 dated 03.06.2022 under Sections 498-A/406 of the Indian Penal Code, 1860, registered at Police Station Bhawanigarh, District Sangrur.
2. On 26.07.2023 the following order was passed :

“The petitioner is seeking anticipatory bail in the case FIR No.120 dated 03.06.2022 under Sections 498-A, 406 IPC registered at Police station Bhawanigarh district Sangrur (Annexure P-1).

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with the complainant on 25.03.2019 and a daughter has been born from the wedlock. The complainant was earlier

married with one Hardev Singh. Marriage of the complainant with Hardev Singh was dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 04.03.2016 passed by the court of learned Additional District Judge, Sangrur (Annexure P-3). The complainant had not disclosed the fact of her earlier marriage and dissolution thereof at the time of her marriage with the petitioner which has resulted in the matrimonial dispute. The petitioner is ready and willing to amicably settle the dispute.

On the oral request, Gurpreet Kaur daughter of Jagroop Singh, resident of village Jhanedi Tehsil Bhawanigarh District Sangrur, is impleaded as respondent No. 2. Registry is directed to do the needful.

Notice of Motion.

Ms. Ishmeet Kaur, AAG Punjab, who is present in the Court accepts notice on behalf of State of Punjab. The petitioner and the complainant are directed to appear before the Mediation and Conciliation Centre of this Court on 25.08.2022. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 30,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 30.11.2022.

Meanwhile, in the event of arrest, petitioner shall be

released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure. ”

Thereafter on 18.04.2023 the following order was passed :

“Vide order dated 26.07.2022, the parties were relegated to the Mediation and Conciliation Centre of this Court, however, the parties could not arrive at an amicable settlement.

Learned counsel for the parties are ad idem that one more effort can be made to seek an amicable solution. In the light of the above, taking a lenient view, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 09.05.2023 at 10:00 A.M. and the parties are directed to take active and positive steps to resolve the matter. In case, the mediation fails, the present petition shall be proceeded without considering the interim order granted which is only for the purpose of resolving the matter.

In terms of order dated 26.07.2022, the petitioner is again directed to rejoin the investigation on 18.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter. Adjourned to 28.08.2023.

Interim order to continue.

At this stage, the learned counsel for the complainant submits that the petitioner is addicted to drugs and therefore is not resolving the matter.

In light of the above, the respondent-authorities are directed to get medical examination of the petitioner done specifically qua consuming any narcotic drug, when the petitioner re-join investigation or on any date fixed thereafter by the Investigating Agency.”

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

4. Learned counsel for the State on instructions from ASI Maninder 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.

5. In view of the above, the order dated 26.07.2022 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.

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

13.12.2023
Deepak patwal

(ALKA SARIN)
JUDGE

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