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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31383-2022 (O&M)
Date of decision : 12.12.2023

Harish Kumar ... Petitioner(s)

Versus

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

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Vaishali Kamboj, Advocate for
Mr. R.S. Budhwar, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG Punjab for respondent No.1.
Mr. Sankalp Sagar, 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.17 dated 19.04.2022 under Sections 406, 498-A of the Indian Penal Code, 1860, registered at Police Station Women Cell Patiala, District Patiala (Punjab).
2. The FIR was registered on the basis of a complaint made by the complainant-respondent No.2 wherein she alleged that her husband and in-laws used to beat her on the pretext of dowry and on 17.06.2020 allegedly attacked her, her father - Gurmeet Singh - and brother - Kamaljit Singh. In the FIR details of the articles handed over at the time of marriage as dowry

articles were also mentioned. It was further alleged that on 01.07.2019 her sister-in-law and her husband were present at the in-laws house and on the same night after consuming alcohol, they started beating her and her husband made her father hear her screams on his phone. Her father alongwith her uncle Mitha Singh came to take her. Thereafter in the Panchayat her husband, mother-in-law and brother-in-law had apologized in writing for beating her. On the asking of the Panchayat the complainant-respondent No.2 went back to the matrimonial house. They were also given separate residence on the asking of the Panchayat. However, the interference by the mother-in-law and sister-in-law continued. There were various other instances of beating having been given to the complainant-respondent No.2 on account of less dowry.

3. The petitioner who is the husband of the complainant-respondent No.2 approached this Court by way of the present petition for grant of anticipatory bail. On 25.07.2022 notice of motion was issued on the statement made by the learned counsel for the petitioner that there was a possibility of a settlement. Thereafter, on 14.10.2022 the following order was passed :

“Without admitting the allegations levelled in the FIR, Annexure P-1, counsel for the petitioner has supplied a list of articles, which are alleged to be in the possession of the petitioner, with instructions to submit that the petitioner is ready to return the same on joining the investigation.

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

Petitioner is directed to join the investigation on 20.10.2022 at 11.00 A.M. at Police Station Women Cell, Patiala, District Patiala and co-operate with the Investigating Officer. 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.

Considering the fact that FIR, Annexure P-1, has arisen out of a matrimonial dispute, this Court deems it appropriate to refer the parties to the Mediation and Conciliation Centre of this Court to explore the possibility of settlement.

Parties are directed to appear before the Mediation Centre of this Court on 21.10.2022 at 10:00 A.M..

To await the report of the learned mediator, list on 21.02.2023.

On the day of the appearance of the parties before the Mediation Centre, petitioner shall pay a sum of Rs.20,000/- by way of travelling and litigation expenses to the respondent No.2, which will be a condition precedent to the initiation of the mediation proceedings.”

Thereafter the parties were once again directed to appear before the Mediation and Conciliation Centre of this Court vide order dated 19.04.2023. However, the mediation proceedings failed and vide order dated 22.08.2023 the petitioner was directed to rejoin investigation and cooperate with the Investigating Agency.

4. Learned counsel for the State on instructions from ASI Mandhar Singh has stated that even as per the list given by the petitioner, which finds noticed in the order dated 14.10.2022, there is no compliance inasmuch as some of the articles have still not been returned.

5. Learned counsel for the petitioner states that whatever articles were lying with them have been returned and rest of the articles are lying with the complainant-respondent No.2 herself.

6. Learned counsel for the complainant-respondent No.2 has pointed out that even as per their own list given on 14.10.2022, the gold rings have not been returned nor have some of the other articles been returned.

7. Heard.

8. In the present case initially notice of motion was issued on the ground that there was a possibility of a settlement. Thereafter, on 14.10.2022 the learned counsel for the petitioner supplied a list of articles which was stated to be in his possession with instructions that the petitioner was ready to return the same on joining investigation. The said statement finds noticed in the order dated 14.10.2022. Today the learned counsel for the State as well as the learned counsel for the complainant-respondent No.2 have stated that even as per the list given by the learned counsel for the petitioner on 14.10.2022, the articles have not been returned. The categorical stand of the learned counsel for the petitioner is that there are no articles with the petitioner, however, the learned counsel cannot refute the statement as

recorded in the order dated 14.10.2022. The petitioner after having made a statement through his counsel on 14.10.2022 is now not cooperating with the Investigating Agency.

9. In view of the above, this Court is left with no other option but to dismiss the present petition. Accordingly, the present petition is dismissed. Pending applications, if any, also stand disposed off.

12.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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