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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30254-2023 (O&M)
Date of decision : 06.11.2023

Arshad Mohammad ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amandeep Singh, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Rahul Jaswal, Advocate for the complainant.

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.08 dated 05.05.2023 registered under Sections 498-A/406 of the Indian Penal Code, 1860 (IPC) at Women Police Station Malerkotla (Annexure P-1).

2. On 12.06.2023 the following order was passed :

“Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.08 dated 05.05.2023 registered under Sections 498-A/406 IPC at Women Police Station Malerkotla. FIR was lodged on the complaint of Sheena alias Neena.

Petitioner is the husband of the complainant.

Notice of motion.

Mr. Navneet Singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent- State. Mr. Rahul Jaswal, Advocate appears for the complainant and filed his vakalatnama.

Learned counsel for the complainant has no objection to grant interim bail to the petitioner provided the matter is sent to the Mediation and Conciliation Centre as complainant is ready for settlement. Even counsel for the petitioner is not averse to this suggestion.

Let the parties appear before the Mediation and Conciliation Centre of this Court on 03.07.2023.

Adjourned to 27.07.2023.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions

stipulated in Section 438(2) Cr.P.C.

However, petitioner is hereby directed to pay costs of Rs.10,000/- to the complainant to meet the litigation expenses.”

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 Baljinder Kaur has stated that the petitioner has since joined investigation and has fully cooperated and that all *istridhan* articles have been recovered. He has further pointed out that the petitioner is no longer required for further custodial interrogation as of now.

5. Vide order dated 12.06.2023 the parties were also directed to appear before the Mediation and Conciliation Centre of this Court to exploring the possibility of a compromise. After the first date, the complainant did not appear before the Mediator. This Court vide order dated 27.07.2023 had directed the parties to remain present in Court. On 03.08.2023 the parties appeared before this Court and this Court had also interacted with them. On 03.08.2023 the parties were again directed to remain present for 03.10.2023. On 03.10.2023 learned counsel for the parties had sought an adjournment to explore the possibility of a compromise and the parties were also directed to remain present. Today the petitioner is present in Court, however, the complainant has not come present.

6 In view of the above and in view of the statement made by learned State counsel that the petitioner has joined investigation and fully cooperated, the order dated 12.06.2023 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.

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

06.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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