

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-31878 of 2022

Date of Decision: 16.1.2023

Pankaj Kumar Verma

---Petitioner

versus

State of Punjab and another

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lupil Gupta, Advocate
for the petitioner
Mr. Amish Sharma, AAG, Punjab
Mr. Inderjit Singh Chawla, Advocate
for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 25.7.2022, the following order was passed :-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 55 dated 16.05.2022 under Sections 406, 498-A IPC and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station Khuian Sarwar, District Fazilka, Annexure P-1.

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No. 2 on 29th June 2020. False allegations with regard to demand of motor cycle and cash to the tune of Rs.1,00,000/- have been raised. The petitioner has also instituted a petition under Section 9 of the Hindu Marriage Act, though after the registration of the FIR. The petitioner is ready and willing to amicably settle the dispute.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab, who is present in the Court accepts notice on behalf of State of Punjab.

Learned counsel for the complainant stated that he has no objection if the possibility of amicable settlement is explored.

Learned counsel for the petitioners as well as learned counsel for the complainant are ad item that possibility of amicable settlement through the process of mediation may be explored.

The petitioners and the complainant are directed to appear before the Mediation and Conciliation Centre of this Court on 22.08.2022. 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 22.11.2022.

Meanwhile, in the event of arrest, the 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.”

As per report of the Mediator, none of the parties appeared before the Mediator on 11.11.2022 and 17.11.2022 and accordingly matter was referred back to this Court.

Learned counsel for the petitioner submits that petitioner has joined investigation on 19.8.2022.

Learned State counsel, on instructions from ASI Baghel Singh,

submits that petitioner has joined investigation and no custodial interrogation is required.

Learned counsel for the complainant submits that petitioner is a drugs addict and is in the habit of beating the complainant.

In view of the fact that petitioner has joined investigation; nothing is to be recovered from him, the petition is allowed and the interim bail granted to the petitioner vide order dated 25.7.2022 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.

As per complainant, the petitioner is a drugs addict. The complainant is free to lodge complaint to bring this fact in the knowledge of the police authorities which are expected to take appropriate action under NDPS Act.

(JAGMOHAN BANSAL)
JUDGE

16.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No