

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**205****CRM-M No.32619 of 2022****Date of Decision : 14.12.2023**

Munish alias Honey

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishavjeet Singh Rishi, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. B.S. Jatana, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.79 dated 07.05.2022 under Sections 498-A, 406 of the Indian Penal Code, 1860 registered at Police Station City Phagwara, District Kapurthala.

2. On 28.07.2022 the following order was passed :

"Petitioner is seeking anticipatory bail in case bearing FIR No.79 dated 07.05.2022 under Sections 498-A, 406 IPC, registered at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 19.04.2015. It was a love marriage solemnized in a simple manner without exchange of any

dowry articles. A son and a daughter have been born from the wedlock. The complainant is residing in her parental house since 23.08.2018. The petitioner has instituted a petition under Section 10 of Hindu Marriage Act for grant of decree of judicial separation. Besides, he has also instituted a petition under Guardian and Wards Act seeking custody of the minor children. The FIR has been lodged after a delay and as a counter-blast to the proceedings initiated by the petitioner. The complaint was submitted against the petitioner and his other family members but all of them except the petitioner have been found to be innocent. The petitioner is ready and willing to amicably settle the matrimonial dispute.

On the oral request, complainant i.e. Dolly d/o Raj Kumar, r/o House No.38, Daddal Mohalla, Phagwara, Kapurthala is impleaded as respondent No.2.

Notice of motion.

Mr. R.S. Khaira, AAG Punjab accepts notice on behalf of the State.

The petitioner and complainant/respondent No.2 are directed to appear before the Mediation and Conciliation Center of this Court on 30.08.2022. 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, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also

abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner states that the petitioner has since joined investigation and fully cooperated.

4. Learned counsel for the State on instructions from ASI Ashok Kumar has stated that the bill *qua* 05 gms. of gold was supplied by the complainant, which has since been recovered. It has further been contended that the petitioner has since joined investigation and 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 28.07.2022 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.

(ALKA SARIN)
JUDGE

14.12.2023
jk

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