

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208-A

CRM-M-33168-2022 (O&M)

Date of Decision : 09.11.2023

NAVJOT SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Gupta, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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.64 dated 23.06.2022 under Sections 323, 341, 498-A, 506, 34 and Section 406 (added later on) of the Indian Penal Code, 1860 registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. On 29.07.2022 the following order was passed :

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0064 dated 23.06.2022, registered for offences under Sections 323, 341, 498-A, 506 and 34 of the Indian Penal Code, 1860, at Police Station Badali Ala Singh, District Fatehgarh Sahib.

At the outset, counsel for the petitioner submits that

as future of a 1½ year of child is at stake, the petitioner wants to settle the matrimonial dispute. Counsel has made request for referring the matter to the Mediation and Conciliation Centre of this Court.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. He is assisted by Mr. Gourav Goel, Advocate for the complainant, who has filed Power of Attorney, which is taken on record. Upon instructions from the complainant, he submits that she is not averse to exploring the possibility of settlement.

In view of the above, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 04.08.2022 at 10.00 A.M.

List on 06.12.2022 to await report of the Mediator.

On the day, the parties appear before the Centre, the petitioner will pay a sum of Rs.35,000/- by way of litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of the mediation proceedings.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.

Petitioner is directed to implead the complainant as

a party-respondent to the petition.”

3. Thereafter, vide orders dated 06.12.2022 and 22.08.2023 the petitioner had been directed to rejoin investigation and cooperate with the investigating agency.

4. Learned counsel for the petitioner would contend that pursuant to the said orders the petitioner has joined investigation and has fully cooperated.

5. Learned counsel for the State, on instructions from ASI Karam 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.

6. In view of the above, the present petition is allowed and it is directed that in the event of arrest of the petitioner, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer/Station House Officer (SHO) concerned. The petitioner shall abide by all the terms and conditions as enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

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

09.11.2023

Aman Jain

(ALKA SARIN)

JUDGE

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