

2023:PHHC:121250

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31653-2023

Date of Decision: 14.09.2023

JASPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S.Santwal, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.
Mr. Harsh Chopra, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

1. On 05.07.2023, the following order was passed:-

“1. Petitioner is seeking anticipatory bail in case bearing FIR No.39 dated 24.05.2023 under Section 498-A IPC, registered at Police Station Singh Bhagwantpur, District Rupnagar.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 26.01.2019 and two daughters have been born from the wedlock. The petitioner is working as a Taxi driver in Kolkata. Primarily, the dispute between the parties is to the effect that the complainant wants the petitioner to shift his residence to Rupnagar i.e. her parental place. Even at the earlier instance, the dispute had cropped up between the parties but the matter was amicably settled in terms of compromise, Annexure P-2. The petitioner is ready and willing to amicably settle the matrimonial dispute.

3. On the oral request, complainant i.e. Manpreet Kaur w/o Jaspreet Singh, r/o Village Khairabad, Tehsil and District Rupnagar (Flat No. 3-A, 3rd Floor, 35 Shahpur, Main Road Bihala, Calcutta, West Bengal) is impleaded as respondent No.2.

4. Registry is directed to make necessary correction in the memo of parties.

5. Notice of motion.

6. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

7. Mr. Harsh Chopra, Advocate has put in appearance on behalf of respondent No.2.

8. Learned counsel for respondent No.2 has sought to deny the allegations as putforth by learned counsel for the petitioner.

9. It has been submitted that the complainant was subjected to pre-natal test while she was running 2nd pregnancy. Even the petitioner is a resident of Rupnagar and is having Aadhar card depicting the address of Rupnagar.

However, he is not averse to explore the possibility of amicable settlement through mediation.

10. The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 26.07.2023. 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.

11. Report of the Mediator be awaited for 14.09.2023.

12. 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.”

2. As per the report received from the Mediator, despite best efforts, the parties could not arrive at an amicable settlement.

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from ASI Davinder Kumar, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

5. Learned counsel for the complainant submits that the recovery of the dowry articles is yet to be effected.

6. It is significant to note that the FIR has been registered only under Section 498-A IPC.

7. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 05.07.2023, vide which the petitioner has been granted interim bail, is made absolute.

8. Petition is allowed.

14.09.2023

smriti

Whether speaking/reasoned: Yes/No Whether Reportable : Yes/No

(VIVEK PURI)

JUDGE