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

CRM-M-35411-2022

Date of Decision:27.04.2023

NIRMAL SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. M.S. Rana, Advocate
for the petitioner.

Mr. Shiva Khumi, AAG, Punjab
assisted by ASI Jagjit Singh.

JAGMOHAN BANSAL, J. (Oral)

On 10.08.2022 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.103 dated 12.07.2022, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Mukerian, District Hoshiarpur, Annexure P-1.

Counsel for the petitioner submits that earlier complaint dated 18.08.2020, Annexure P-2, submitted by the petitioner was compromised on 29.03.2021, Annexure P-3. By referring to interim order dated 03.08.2022 passed by this Court in CRM-M-33023-2022, counsel contends that the mother-in-law of the complainant has been granted interim bail by this Court, she has joined investigation and has returned all the alleged dowry articles.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of State-respondent No.1. Upon instructions from L/ASI, Balwinder Kaur, State counsel has confirmed the fact that all the articles have been returned. He is assisted by Mr. Ajay Pal Singh Rehan, Advocate for complainant-respondent No.2, who has filed Vakalatnama, which is taken on record. He has submitted that the complainant has been ill-treated and has been subjected to physical assault at the hands of the petitioner.

Upon instructions, State counsel submits that copy of MLR has not been given by the complainant.

List on 30.11.2022.

To be heard with CRM-M-33023-2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. Articles, which have been returned, be handed over to the complainant-respondent No.2 in accordance with law. ”

The matter was referred to Mediation and Conciliation Centre of this Court. The parties have entered into compromise and they have executed settlement/compromise deed dated 16.02.2023. the complainant has joined the company of the petitioner.

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 10.08.2022 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.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

27.04.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>