

2023:PHHC:152273

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

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**CRM-M No.35549 of 2023
Date of Decision : 30.11.2023**

Kulbhushan Sehdev and Another

....Petitioners

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikas Bali, Advocate for the petitioners.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Abhishek Singla, 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 petitioners in FIR No.11 dated 29.05.2023 under Sections 342, 498-A, 406, 120-B of the Indian Penal Code, 1860 registered at Women Police Station, Malerkotla, District Malerkotla.

2. On 25.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.11 dated 29.05.2023 under Sections 342, 498-A, 406, 120-B of the Indian Penal Code, 1860 registered at Women Police Station, Malerkotla, Distt. Malerkotla.

Learned counsel for the petitioners would contend that though the petitioners were asked a number of times by the Investigating Officer to join investigation, however, they could not join because of the injuries received by petitioner No.2 on 27.01.2023 due to a fall. The learned counsel would further contend that the petitioners are willing to join investigation and also to fully co-operate with the Investigating Agency. The learned counsel further states that the petitioners shall also return all the dowry articles.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

On the oral request of the counsel for the petitioners, the complainant - Nisha Verma wife of Rohit Sehdev and daughter of Ram Kishan Verma resident of Ward No.11, Near Janta College, Ahmedgarh, District Malerkotla - is impleaded as respondent No.2. Registry to make the necessary changes in the memo of parties.

Mr. Abhishek Singla, Advocate has accepted notice on behalf of respondent No.2. Learned counsel for respondent No.2 states that respondent No.2 is open to exploring the possibility of a compromise.

Let the parties appear before the Mediation & Conciliation Centre of this Court on 10.08.2023. On the said date, the petitioners shall bring a bank draft for Rs.30,000/- towards litigation expenses in the name of respondent No.2 which shall be handed over to her in the presence of the Mediator. It is made clear that payment of Rs.30,000/- is a condition precedent for the mediation.

Awaiting the report of the Mediator, list the matter before the Court on 17.10.2023.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioners states that the petitioners have since joined the investigation and fully cooperated. Learned counsel for the petitioners would further contend that the parties have entered into a compromise and have resolved all their disputes.

4. Learned counsel for respondent No.2-complainant states that the respondent No.2 would have no objection if the order dated 25.07.2023 is made absolute in view of the compromise arrived at between the parties. Learned counsel for the complainant, however, states that 04 *Tolas* of gold is lying with the Investigating Officer and requests that the same may be ordered to be handed over to respondent No.2-complainant in view of the compromise between the parties.

5. Learned counsel for the petitioners states that the petitioners would have no objection if 04 *Tolas* of gold, which is lying with the Investigating Officer, is handed over to respondent No.2-complainant.

6. Learned counsel for the State on instructions from ASI Kewal Singh has stated that the petitioners have since joined investigation and fully

cooperated and that they are no longer required for further custodial interrogation as of now.

7. In view of the above, the order dated 25.07.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

8. The Investigating Officer is directed to hand over 04 *Tolas* of gold to respondent No.2-complainant.

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

**(ALKA SARIN)
JUDGE**

30.11.2023

jk

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