

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-37797-2022

Date of Decision: 22.03.2023

Usman Kureishy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. H.P. Singh, Advocate for
Mr. Darshan Singh Malwai, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Charanjit Singh)

Mr. Shekhar Kumar, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

On 25.08.2022, the following order was passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.110 dated 22.07.2022, under Sections 406, 498-A, 506 of IPC, registered at Police Station Khanna City-2, District Ludhiana.

It has been contended by counsel for the petitioner that the marriage in question took place on 22.07.2017. He has submitted that since the date of marriage, both the petitioner and the complainant-wife are living separately from his family. He submits that the cause of matrimonial discord is not on account of demand of dowry but because of the reason that the

couple is not blessed with any issue till date. He has submitted that despite best efforts of the petitioner, the complainant-wife has left the matrimonial home about six months ago and he is trying his level best to resolve the dispute amicably. He has relied upon judicial precedent of the Hon'ble Apex Court in Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrI.) 449. He has submitted that the matter can be resolved amicably if the parties are referred to the Mediation Centre. He has further submitted that in view of the above mentioned facts, no case for custodial interrogation is made out. However, petitioner is ready to join investigation.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to implead the complainant as respondent No.2 in this petition and file amended memo of parties before next date of hearing. Petitioner is directed to pay Rs.25,000/- as litigation expenses to respondent No.2 on her first appearance.

On impleadment of complainant as respondent No.2, notice to her be issued for 29.11.2022.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the

following conditions as envisaged under Section 438(2) Cr.P.C.:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;*
- 2) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- 3) That the petitioner shall not leave India without prior permission of the Court.”*

Learned counsels for the parties are *ad idem* that parties have amicably settled their disputes and have filed CRM-M-13415-2023 before this Court seeking quashing of FIR on the basis of compromise.

Learned State counsel, on instructions from ASI Charanjit Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 25.08.2022 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

22.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>