

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35966-2023
Date of Decision: 05.09.2023

GITESH SOHAL

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S.Bajaj, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Peeush Gagneja, Advocate for respondent No.2.

* * * *

VIVEK PURI, J. (ORAL)

1. On 27.07.2023, following order was passed:

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.55 dated 06.06.2023, registered under Sections 498-A/406 IPC and Section 4 of the Dowry Prohibition Act, 1961 at Police Station City-II, District Fazilka.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant/respondent No.2 on 21.10.2020. The marriage was solemnized during the period of Covid-19 Pandemic and it was a simple marriage. The complainant/respondent No.2 did not want to reside with the parents of the petitioner and accordingly, he shifted his residence from the first floor and other family members started residing on the ground floor of the house. The complainant/respondent No.2 also suspected that the petitioner is having illicit relationship with his sister-in-law. At the earlier instance, the complainant/respondent No.2 had submitted a complaint to the police authorities. An enquiry in the matter was conducted and as per the report dated 02.08.2021 (Annexure P-3), it was concluded that the allegations with regard to demand of dowry, giving beatings and misappropriation of articles of Istri Dhan are not substantiated. Furthermore, the petitioner is ready and willing to amicably settle the dispute through mediation.

3. *Notice of motion.*

4. *Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.*

5. *Mr. Peeush Gagneja, Advocate has put in appearance on behalf of the complainant/respondent No.2 and filed Vakaltanama, which is taken on record. He has controverted the submissions putforth by the learned counsel for the petitioner. However, he fairly submits that the complainant/respondent No.2 is not averse to exploring the possibility of amicable settlement through the process of mediation.*

6. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 16.08.2023.*

7. *To await the report, list on 05.09.2023.*

8. *However, the petitioner shall pay a sum of Rs.30,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.*

9. *Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

2. As per the report received from the Mediator, the parties could not arrive at any amicable settlement.

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation. Furthermore, all the articles of *Istridhan* which were in possession of the petitioner have been returned.

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

5. Learned counsel for respondent No.2 submits that 14 tolas of golden jewellery is yet to be recovered.

6. The controversy as to whether the articles of *Istridhan* were

entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

7. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.07.2023 is made absolute.

05.09.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No