

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37116-2023
Date of Decision: 10.10.2023

SUBODH SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashish Bakshi, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Abhinav Singla, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. On 01.08.2023, 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.45 dated 08.07.2023, registered under Sections 406/498-A IPC at Police Station Women Cell, SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 20.04.2018 and a son has been born from the wedlock. The matrimonial dispute has cropped up between the parties. There are vague allegations with regard to demand of dowry without specifying any particular article regarding demand has been raised. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Besides, the complainant has also instituted a petition under Section 125 Cr.P.C and also initiated proceedings as per the provisions of Protection of Women from Domestic Violence Act. Furthermore, the petitioner is ready and willing to amicably settle the dispute through mediation. +

3. On the oral request of the learned counsel for the petitioner, the complainant, namely, Poonam Guleria D/o Kewal Singh Guleria R/o House No.309, Phase-2, Mohali is impleaded as respondent No.2.

4. Registry is directed to make necessary entry of

respondent No.2 in the array of parties/memo of parties.

5. Notice of motion.

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

7. Mr. Abhinav Singla, Advocate has put in appearance on behalf of the complainant/respondent No.2 and filed Vakaltanama, which is taken on record. He seeks to deny the averments as put forth 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.

8. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 22.08.2023.

9. To await the report, list on 10.10.2023.

10. However, the petitioner shall pay a sum of Rs.20,000/- 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.

11 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, despite best efforts 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 and is not in possession of any article of *Istridhan*.

4. Learned State counsel, on instructions from ASI Mandeep Kaur, has submitted that the petitioner has joined the investigation but recovery of golden jewellery items to the extent of 1 tola and some household articles is yet to be recovered.

5. Learned counsel for respondent No.2 has also opposed the bail application on the score that recovery of articles of *Istridhan* are yet to be

effected.

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 01.08.2023 is made absolute.

10.10.2023

Janki

(VIVEK PURI)
JUDGE

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