

2023:PHHC:152685

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

219-1

**CRM-M No.37973 of 2023
Date of Decision : 30.11.2023**

Rohit Sehdev

....Petitioner

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 petitioner 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 05.09.2023 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 petitioner 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.

Learned counsel for the petitioner would contend that the parents of the petitioner were granted the concession of anticipatory bail by this Court in CRM-M-35549-2023 on 25.07.2023. It is further the contention that the parties have joined investigation as also have appeared before the Mediation & Conciliation Centre. It is further contended that before the Mediation & Conciliation Centre a statement has been made by the complainant that she does not want the household goods and wants a lumpsum settlement. The further contention is that some of the gold articles have been returned and some remain which would also be returned.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent-State of Punjab while Mr. Abhishek Singla, Advocate has accepted notice on behalf of respondent No.2.

Learned counsel for the respondent No.2 has pointed out that the matter before the Mediation & Conciliation Centre of this Court is fixed for 22.09.2023. The petitioner to join the mediation proceedings on the said date.

List on 17.10.2023 along with CRM-M-35549-2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner 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 petitioner states that the petitioner has since joined the investigation and fully cooperated. Learned counsel for the petitioner 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 05.09.2023 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 petitioner states that the petitioner 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 petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.

7. In view of the above, the order dated 05.09.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner 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.

30.11.2023
jk

(ALKA SARIN)
JUDGE

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