

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-37993-2023 (O&M)

Date of Decision : 12.12.2023

NAGESH DHINGRA

.... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Saini, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1

Mr. Hitesh Verma, Advocate for respondent No.2/complainant.

ALKA SARIN, J. (ORAL)

1. 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.54 dated 06.07.2023 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station PS Women, District Patiala.

2. On 04.08.2023 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.54 dated 06.07.2023 under Sections 406, 498-A of the Indian Penal Code, 1860, registered at Police Station PS Women, District Patiala. Learned counsel for the petitioner, at the outset, would contend that the petitioner is willing to settle the matter

and in order show his bonafides he is also willing to deposit an amount of Rs.5,00,000/-. Learned counsel further prays that the matter may be sent to the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement.

On the oral request of learned counsel for the petitioner, the complainant - Chinki Dhingra daughter of Kanwar Bhan Kinger resident of H.No.1062, B. St. No.13, Tripuri Town, Tripuri Patiala, District Patiala, Punjab - is impleaded as respondent No.2 in the petition. Registry to make the requisite correction in the memo of parties.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab accepts notice on behalf of respondent No.1-State. Mr. Dhrupwinder Brar, Advocate accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2-complainant states that the complainant is also open to exploring the possibility of an amicable settlement and would have no objection if the matter is referred to the Mediation and Conciliation Centre of this Court.

In view of the statements made by counsel for the petitioner and the counsel for respondent No.2, let the parties appear before the Mediation and Conciliation Centre of this Court on 16.08.2023 at 10.00 AM.

The petitioner, in order to show his bonafides, shall deposit a Demand Draft in the name of the Registrar General for an amount of Rs.5 Lakhs with the Registrar General of this Court on or before the next date of hearing, which would be invested in a FDR.

Awaiting the report of the Mediator, list on 12.10.2023.

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.”

Thereafter, the petitioner had stated that he be given liberty to give an amount equivalent to the value of the gold alleged to be in his possession.

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated. Learned counsel further states that the petitioner has also given the amount equivalent to the value of the gold.

4. Learned counsel for the State, on instructions from HC Mohinder, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 04.08.2023 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.

6. Vide order dated 04.08.2023 the petitioner was further directed to deposit a sum of Rs.5,00,000/- with the Registrar General of this Court to show his bona fide. Since all the recoveries stand effected, the amount of Rs.5,00,000/- deposited with the Registrar General of this Court pursuant to the order dated 04.08.2023 is ordered to be returned back to the petitioner against proper receipt and identification.

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

12.12.2023

Aman Jain

(ALKA SARIN)

JUDGE

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