

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

212

CRM-M-40503-2022

Date of Decision: 14.02.2023

Sandeep Sandhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sagar Aggarwal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Raghubir Singh)

Mr. Salil Dev Singh Bali, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 06.09.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.113 dated 19.07.2022, registered under Sections 406/498-A IPC, 1860 at Women Police Station, Ludhiana.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 28.04.2017 and a female child has been born from the wedlock. At the time of shagun ceremony, the key of an Audi Car and cheque worth Rs.10,00,000/- for purchase of furniture was handed over to the family of the petitioner by the parental family of the complainant. However, same was immediately returned as the family of the petitioner is having four cars and sufficient furniture in the house. Even, the allegations with regard to demand of BMW car are false and the same was never purchased or handed over to the petitioner. The petitioner is regularly depositing a sum of Rs.1,50,000/- per annum in the name of minor child in Sukanya Samridhi

Account. Furthermore, the parents of the petitioner have been granted pre-arrest bail by the Court of Sessions. The petitioner and the complainant are Law Graduates but not actively engaged in the profession. The petitioner is ready and willing to amicably settle the matrimonial dispute through the process of Mediation.

On the oral request of the learned counsel for the petitioner, the complainant i.e. Purnima Malhotra daughter of Ajay Malhotra, R/o 1784 Phase2m Urband Estate Dugri, Ludhiana is impleaded as respondent No.2 in order to explore the possibility of amicable settlement.

Notice of motion.

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

Mr. Salil Dev Singh Bali, Advocate has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record.

Learned counsel for the complainant submits that there are serious allegations with regard to the maltreatment meted out to the complainant during the period she was on family way and it resulted in a birth of a weak female child. There are specific allegations with regard to the demand of huge amount and even, the dowry articles of Istri Dhan which are yet to be recovered.

However, learned counsel for both the parties are ad idem that the possibility of exploring the amicable settlement through the process of Mediation may be explored in the instant case.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 13.10.2022.

To await the report, list on 13.11.2022.

The petitioner shall pay a sum of Rs. 50,000/- to respondent No.2/complainant on her appearance in the Mediation and Conciliation Centre of this Court to

facilitate her presence and participation during the course of mediation proceedings.

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.”

Learned counsel for the petitioner submits that demand draft of Rs.50,000/- stands handed over to the complainant. He further submits that few articles of the complainant are lying in two almirahs which are under lock and key of the complainant. The petitioner has requested the Investigating Officer to come along with the complainant and open the almirahs.

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

The Investigating Officer is directed to visit house of the petitioner on 19.02.2023 along with the complainant and one independent witness of the locality and open both almirahs. If the things/articles belonging to the complainant are found, the same may be handed over to her then and there itself under proper receipt. The Investigating Officer is directed to prepare proper *panchnama* of the entire proceedings.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 06.09.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

The complainant is at liberty to move appropriate application, if something survives.

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

14.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*