

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-41208-2022 (O&M)

Date of Decision : 13.12.2023

VASU LAMA

.... Petitioner

VERSUS

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arun Dogra, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

Mr. Manjot Singh, Advocate for

Mr. Vishal Aggarwal, Advocate for the 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.312 dated 31.07.2022 under Sections 323, 406, 498-A, 506 of the Indian Penal Code, 1860 registered at Police Station Sector-14, Panchkula.

2. On 09.09.2022 the following order was passed :

“Instant petition has been filed under Section 438 Cr.P.C, seeking grant of anticipatory bail to the petitioner in case FIR No.312 dated 31.07.2022 registered under Sections 323, 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Sector 14, Panchkula (Annexure P-2).

At the outset, counsel for the petitioner submits that there is a possibility of settlement between the

parties.

Notice of motion.

On asking of the Court, Ms.Ankita Ahuja, AAG, Haryana accepts notice on behalf of respondent-State.

Mr. Vishal Aggarwal, Advocate has put in appearance on behalf of the complainant and has filed 'Vakalatnama', which is taken on record.

Counsel for the complainant has supplied a list of gold articles to counsel for the petitioner, who upon instructions from the petitioner submits that all the 12 articles, will be returned to the complainant.

On joint request made by counsel for the private parties, matter is referred to the Mediation and Conciliation Centre of this Court.

Parties are directed to appear before the Mediation Centre on 23.09.2022 at 10.00 a.m.

List on 07.11.2022 to await the report of learned Mediator.

Gold articles mentioned in the list supplied by counsel for the complainant will be handed over by the petitioner on the day of their appearance before the Mediation Centre.

On the day, parties cause appearance before the Mediation Centre, petitioner will pay Rs.35,000/- by way of litigation and travelling expenses to the

complainant, which will be a condition precedent to the initiation of mediation proceedings.

In the meanwhile, arrest of the petitioner shall remain stayed.”

Thereafter, the petitioner was directed to join investigation vide order dated 27.03.2023.

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 would further contend that the petitioner has also returned all the articles before the Mediation and Conciliation Centre of this Court as per the list given by the complainant.

4. Learned counsel for the State, on instructions from L/ASI Renu, 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. Learned counsel has further stated that all the articles have been returned by the petitioner before the Mediation and Conciliation Centre of this Court.

5. In view of the above, the orders dated 09.09.2022 and 27.03.2023 are 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. Disposed off accordingly. Pending applications, if any, also stand disposed off.

13.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE:

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