

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42616-2022 (O&M)
Date of Decision : 05.07.2023

Harpreet VirdiPetitioner

VERSUS

State of Punjab and anotherRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vijay Rana, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG Punjab for respondent No.1.

Ms. Amarjeet Kaur, Advocate for
Mr. Mohd. Salim, Advocate for respondent No.2.

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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.58 dated 16.07.2022 registered under Sections 406, 498-A of the Indian Penal Code, 1860 at Police Station Women Cell, Jalandhar, Tehsil and District Jalandhar.

2. On 16.09.2022 the following order was passed :

*“Instant petition has been filed under Section 438
Cr.P.C praying for grant to anticipatory bail to the
petitioner in case FIR No.58, dated 16.07.2022, under
Sections 406, 498-A of the Indian Penal Code, 1860*

registered at Police Station Women Cell, Jalandhar, Tehsil and District Jalandhar.

It has been contended by learned counsel for the petitioner that the petitioner was married with the complainant on 17.01.2018 and the couple was blessed with a child on 11.09.2019. Thereafter due to some temperamental differences, the matrimonial discord took place between the husband and the wife and on account of the same, the complainant-wife left the matrimonial home on 12.02.2022. She submits that since then the petitioner is trying his level best to reconcile the dispute with the wife. She has submitted that the allegations pertaining to the harassment and cruelty caused to the complainant on account of the demand of dowry and taunting are totally false and frivolous. She submits that de hors the merits of the case, if the matter is referred to the mediation Centre, the petitioner is ready to settle the dispute amicably. Learned counsel for the petitioner relies upon judicial precedent of the Hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar and Another, 2014(3) SCC (Crl.) 449 and submits that in view of the above mentioned facts, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and

conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 16.01.2023.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to implead the complainant as party-respondent No.2 in the petition and file amended memo of parties within a week from today.

On filing the amended memo of parties by learned counsel for the petitioner, notice be issued to the complainant for the date fixed.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to complainant-wife within one month from today.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2)

Cr.P.C :-

- (i) *That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;*
- (ii) *That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) *That the petitioner shall not leave India without prior permission of the Court.*

State is directed to file status report on or before the next date of hearing.”

3. Thereafter the parties were directed to appear before the Mediation and Conciliation Centre, where they have since arrived at a compromise on 04.05.2023. Report from the Mediator has also been received. Learned counsel for the complainant has confirmed that the parties have since arrived at a compromise.

4. Learned counsel for the State, on instructions from ASI Rajesh Kumar, states that pursuant to the order dated 16.09.2022, the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 16.09.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. 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.

05.07.2023
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(ALKA SARIN)
JUDGE

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