

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43438-2022 (O&M)
Date of Decision: 07.11.2023

Deepak Gupta

..... Petitioner

Versus

State of Punjab and Another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Davinder Lubana, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

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.113 dated 01.09.2022 under Section 498-A & 406 of the Indian Penal Code, 1860 registered at Police Station Balongi, District SAS Nagar, Mohali, Punjab.

2. On 20.09.2022 the following order was passed :

“The petitioner is seeking anticipatory bail in case bearing FIR No.113 dated 01.09.2022 under Section 498-A IPC registered at Police Station Balongi, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 26.11.2020 and a male child has been born from the wedlock. The allegations are also levelled against other family members, but they were

found innocent and FIR has been registered only against the petitioner. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act prior to the submission of complaint, on the basis whereof, the FIR has been registered. False allegations have been levelled to the effect that the petitioner is patient of epilepsy. In fact, he is suffering from intermittent severe headache only. An amount of Rs.03.6 lac was transferred by the brother-in-law of the petitioner in the account of father of the petitioner prior to the marriage as some jewellery was purchased from the jeweler of the petitioner's family. The petitioner is ready and willing to amicably settled the matrimonial dispute.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 17.10.2022. The petitioner shall also pay a sum of Rs.30,000/- to respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 17.01.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be

released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Bhawinder 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 20.09.2022 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. Disposed off accordingly. Pending applications, if any, also stand disposed off.

07.11.2023
Deepak Patwal

(ALKA SARIN)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No