

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

210

CRM-M-44128-2022

Date of Decision: 17.02.2023

Samandeep Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Khushika Setia Advocate for
Mr. Roopak Bansal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Suresh Kumar)

Mr. Vikas Parkash Advocate for
Mr. Gagandeep Singh Virk, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

On 23.09.2022, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.121 dated 1.9.2022 under sections 406, 498-A I.P.C, registered at Police Station Women Police, Ludhiana.

Learned counsel for the petitioner submits that marriage between the petitioner and respondent no.2/complainant took place on 24.4.2021. He submits that this is the second marriage of both the petitioner and complainant. Thereafter matrimonial discord took place between both of them and on account of the same respondent wife left the matrimonial home on 4.6.2021. Counsel submits that both petitioner and complainant hardly lived together for two months. He submits that the allegations pertaining to harassment and cruelty on account of demand of dowry are totally false and without any basis. It is submitted that petitioner is keen to settle the dispute amicably. Counsel has placed reliance upon the judicial

*precedent in case of **Arnesh Kumar V. State of Bihar (2014) 8 SCC 273**. Counsel submits that if the matter is referred to the Mediation & Conciliation Centre of this court petitioner can make efforts to amicably settle the dispute. It is submitted that petitioner has no criminal antecedents and he is ready to join investigation.*

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent no.1-State and Mr. Ajaivir Singh, Advocate accepts notice on behalf of respondent no.2.

Learned counsel for the complainant is also of the opinion that matter may be referred to the Mediation & Conciliation Centre of this court to enable the parties to explore the possibility of amicable settlement.

In view of the above position, both the parties are directed to appear before the Mediation & Conciliation Centre of this court on 11.10.2022. Petitioner is directed to pay an amount of Rs.25,000/- as litigation expenses to respondent no.2 on his first appearance before the Mediation & Conciliation Centre.

List on 24.1.2023.

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.”

Learned counsel for the petitioner submits that parties have compromised the matter. The compromise was effected before Mediation and Conciliation Centre of this Court.

Learned counsel for the respondent submits that as per settlement, the petitioner was supposed to return few articles which still he has not returned.

On being confronted with this fact, learned counsel for the petitioner states that articles are lying in one house whereas private respondent is insisting to recover the articles from another house.

Learned State counsel, on instructions from ASI Suresh Kumar, submits that the petitioner has already joined investigation and no custodial interrogation is required.

It is undisputed fact that parties have arrived at compromise and they have already filed petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by mutual consent. To sort out the dispute qua recovery of alleged articles, the Investigating Officer is directed to visit residence of the petitioner on 25.02.2023 and recover all the articles which the petitioner is admitting to be in his possession. The Investigating Officer shall prepare *panchnama* of the entire proceedings. He shall join one independent witness of the locality. The Investigating

Officer thereafter, hand over all the recovered articles to the private complainant under proper receipt.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.09.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

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

17.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*