

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

214

CRM-M-49522-2021

Date of Decision: 24.01.2023

Fateh Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Anand Kaushal, Advocate for
Mr. D.S. Gandhi, Advocate for the petitioner

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

Mr. Gagan Bajaj, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

On 03.12.2021, the following order was passed:-

“Counsel for the petitioner submits that petitioner is the husband of the complainant-respondent No.2 and he is willing to rehabilitate her. He submits that petitioner has filed a petition under Section 9 of Hindu Marriage Act, 1955 for Restitution of Conjugal Rights, which is pending. He has filed an affidavit of the petitioner and submitted that the dowry articles mentioned in Annexure A-2, would be returned, during the course of investigation.

Notice of motion.

On asking of the Court, Mr. K.S.Aulakh, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State.

Respondent No.2 be served for 28.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and return the dowry articles mentioned in Annexure A-2 and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

The matter was referred to Mediation, however, mediation could not be fructified.

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

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 03.12.2021 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

24.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*