

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46532-2022 (O&M)

Date of Decision: 25.01.2023

Jaswinder Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amandeep Singh Jawandha, Advocate for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab
(ASI Baljinder Singh)

Mr. Pradeep Singh Mirpur, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

CRM-3824-2023

Application for placing on record Annexures P-3 and P-4 is allowed. The same are taken on record and Registry is directed to tag at appropriate place.

CRM stands disposed of.

CRM-M-46532-2022

On 06.10.2022, the following order was passed:-

“Learned counsel for the petitioner submits that no specific allegations have been leveled against the petitioner in the FIR. The FIR was got registered by his wife Jaspal Kaur with the allegations that the petitioner was having illicit relations with his Bhabhi and she came to know regarding this fact after her marriage. It was further submitted that on one hand, the complainant was leveling allegations regarding illicit relations with Bhabhi of the

petitioner, whereas, on the other hand, she is admitting that she became pregnant afterwards and the allegations have been leveled only on the basis of suspicion. Even there are no specific allegations with regard to demand of dowry or any harassment by him and he has been falsely implicated in the instant case. He further submits that the marriage was solemnized between the parties on 30.03.2018 and one male child has also born out of wedlock and he is still ready to settle the dispute with his wife.

Notice of motion.

At this stage, Mr. Amit Rana, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Pardeep Singh Mirpur, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 submits that the matter may be referred to Mediation and Conciliation Centre of this Court for amicable settle between the parties.

Having heard learned counsel for the parties, the petitioner is granted concession of interim anticipatory bail subject to the conditions mentioned below:-

- (i) that the petitioner shall furnish bail bonds/surety bonds to the satisfaction of Arresting Officer/Investigating Officer.*
- (ii) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (iii) 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;*

(vi) *that the petitioner shall not leave India without the previous permission of the Court.*

(v) *that the petitioner shall comply with all the conditions as envisaged under Section 438(2) Cr.P.C.*

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 14.10.2022. The petitioner shall hand over an amount of Rs.5,000/- to the complainant as travelling and other miscellaneous expenses, on the date fixed before the Mediation Centre.

Adjourned to 10.01.2023.”

The parties are *ad-idem* that a Panchayati Compromise dated 28.08.2020 was arrived at between the parties and as per that compromise, the petitioner was supposed to pay a sum of Rs.2.5 Lacs out of total loan of Rs.4 Lacs which was borrowed by private respondent.

Learned counsel for the petitioner submits that he has already paid a sum of Rs.2.5 Lacs as per compromise, however, he has not paid amount of interest.

Learned counsel for the private respondent submits that petitioner may be directed to pay interest as agreed.

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

Without going into calculation of interest, the petitioner is directed to pay a sum of Rs.1.5 Lacs to the respondent by way of demand

draft in favour of the respondent within 15 days from today towards the interest.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 06.10.2022 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

25.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>