

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-49694 of 2021

Date of Decision:.17.01.2023

Manuj Kaushal

-----Petitioner

vs.

State of Punjab

-----Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. B.S.Randhawa, Advocate,
for the petitioner
Mr. Amish Sharma, AAG, Punjab
Ms. Kamalpreet Kaur, Advocate
for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 13.12.2021, the following order was passed :-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.217 dated 20.10.2021 under Sections 498-A and 406 IPC registered at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner submits that the allegations levelled in the FIR in question are a bundle of lies and no such harassment as alleged ever took place. It has been submitted that the petitioner who is the husband of the complainant was still willing to explore the possibility of an amicable settlement with the complainant wife and reconcile all his differences with her. Learned counsel submits that the petitioner has also filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights which is still pending before the Family Court at Nawanshahr.

Notice of motion.

At this Stage, Mr. Deepak Arora, Advocate has put in an appearance on behalf of the complainant and he undertakes to file his power of attorney in the Registry of this Court.

Learned counsel for the complainant on instructions submits that twice efforts were made to arrive at an amicable settlement which however, proved to be futile. Learned counsel, however, submits that the complainant would still not be averse to exploring the possibility of an amicable settlement/reconciliation with the petitioner and hence the matter may be referred to the Mediation and Conciliation Center at Gurdaspur. Accordingly, the parties are directed to appear before the Mediation and Conciliation Center at Gurdaspur on 22.12.2021.

The petitioner shall pay Rs.20,000/- as litigation expenses to the complainant on her appearance before the Mediation and Conciliation Center at Gurdaspur.

Adjourned to 26.04.2022 for awaiting the report of the Mediation and Conciliation Center at Gurdaspur. Meanwhile, no coercive steps shall be taken against the petitioner till the next date of hearing only."

As per report of the Mediator, Mediation Centre, Gurdaspur, no mediation settlement is possible as parties did not agree with any proposal as suggested by the parties to each other. The relevant extracts from the said report read as:-

"....As per Hon'ble Punjab and Haryana High Court Chandigarh, party No. II Ashima Dutta has received Rs. 20,000/- (Twenty thousand) as litigation expenses from party No. I, Manuj Kaushal in mediation centre, Gurdaspur. Ten Mediation Sessions on eight different dates were held with both the parties. Therefore, both

the parties did not agree with any proposal as suggested by the parties to each other. In these circumstances, no mediation settlement is possible at this stage."

On 12.9.2022, following order was passed by this Court:

"Report has been received from the Mediation and Conciliation Centre, Gurdaspur that mediation proceedings have not yielded any result.

Upon instructions, State counsel submits that recovery is to be effected from the petitioner.

List on 17.01.2023.

Petitioner is directed to appear before the Investigating Officer at Police Station Dinanagar, District Gurdaspur on 19.09.2022 at 11.00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on 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.

Learned State counsel on instructions from ASI Jagjit Singh submits that petitioner has 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 12.9.2022 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.

(JAGMOHAN BANSAL)
JUDGE

January 17, 2023
paramjit

Whether speaking or reasoned: Yes/No
Whether reportable :Yes/No