

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

[201]

CRM-M-45583-2022 (O&M)

Date of Decision:08.02.2023

Karamjit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Rajinder Singh Chug, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Sandeep Kumar, Advocate for the complainant.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.0169 dated 02.09.2022 (Annexure P-1) registered at Police Station Salem Tabri, Ludhiana under Sections 406 and 498-A IPC.

This Court vide order dated 30.09.2022 granted interim protection to the petitioner. The relevant extracts of which read as:

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0169, dated 02.09.2022, under Sections 406, 498-A IPC, registered at Police Station Salem Tabri, Ludhiana.

It has been contended by counsel for the petitioner that petitioner solemnized the marriage with the complainant on 09.06.2017. He has submitted that due to temperamental differences, there was matrimonial discord between both of them. It is further submitted that the couple was blessed with a son, who is now in the custody of the complainant. He has submitted that on account of the matrimonial discord, the petitioner had earlier filed a complaint before the police, which is pending consideration. It is further submitted that allegations pertaining to

demand of dowry and beating the complainant are false and frivolous on the face of it. He submits that de hors the merits of the case, the petitioner is ready to settle the dispute amicably if the matter is referred to mediation Centre. Counsel for the petitioner relies upon judicial precedent of the Hon'ble Apex Court in **Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrL.) 449** and submits that in view of the above mentioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 08.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State whereas Mr.Sukhdev Singh, Advocate, has put in appearance on behalf of the complainant. He has submitted that the parties should be granted one opportunity for settling the dispute amicably by referring the matter to the mediation Centre.

As both the parties are ad idem, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 13.11.2022 at 10.00 a.m. for making an effort to amicably settle the dispute.

Learned counsel for the petitioner undertakes to implead the complainant as party-respondent No.2 in the present petition and file amended memo of parties within a week from today.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to the complainant-wife on her first appearance before the Mediation Centre.

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.” State is directed to file status report on or before the next date of hearing.”

Learned counsel for the parties are *ad idem* that the matter has been amicably settled between the parties.

Learned counsel for the petitioner has handed over a demand draft of Rs.1,00,000/- to learned counsel for the complainant and submits that the petitioner has joined the investigation and fully cooperated the Investigating Officer. He further undertakes that petitioner would continue to join investigation as and when summoned by Investigating Officer.

Learned counsel for the State, on instructions from SI Jatinder Singh does not dispute the statement made by learned counsel for the petitioner and further submits that petitioner has joined investigation and his presence, at this stage, is no more required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 30.09.2022 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.

(JAGMOHAN BANSAL)
JUDGE

08.02.2023
Anjal

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