

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45471-2022 (O&M)
Date of Decision : 24.08.2023

Panthpreet SinghPetitioner

VERSUS

State of Punjab and AnotherRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gazi Mohd. Umair, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Ms. Alisha Soni, Advocate for respondent No.2.

-.-

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.03 dated 03.09.2022 registered under Sections 498-A, 406 of the Indian Penal Code, 1860 at Police Station Women Police Station Sangrur, District Sangrur.

2. On 29.09.2022 the following order was passed :

*“Petitioner has approached this Court praying for
grant of anticipatory bail in case bearing FIR No.03
dated 03.09.2022, under Sections 498-A, 406 of IPC,*

registered at Women Police Station Sangrur, District Sangrur.

*It has been contended by learned counsel for the petitioner that petitioner before this Court is the husband of the complainant. He has submitted that the petitioner solemnized marriage with the complainant on 13.02.2020. He has further submitted that thereafter, the couple was blessed with a daughter. He has submitted that due to the temperamental differences, matrimonial discord took place between husband and wife and despite best efforts of the petitioner, complainant-wife left the matrimonial home after about 3-4 months. He submits that thereafter, the present FIR has been lodged on the basis of false and frivolous allegations pertaining to harassment caused to the wife on account of demand of dowry which are without any basis. He has relied 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 the petitioner has no criminal antecedents and in view of the above mentioned facts, no case for custodial interrogation of the*

petitioner is made out. However, petitioner is ready to join investigation.

Notice of motion for 02.02.2023.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State. Ms. Alisha Soni, Advocate accepts notice on behalf of the complainant. She is also of the opinion that the matter be referred to the Mediation Centre.

As counsel for both the parties are ad idem, let the parties appear before the Mediation and Conciliation Centre of this Court on 01.11.2022 to resolve their dispute amicably.

Petitioner would pay litigation expenses of Rs.25,000/- to respondent No.2 on her appearance before the Mediation Centre and also file an application for impleading the complainant as respondent No.2 within two weeks and file amended memo of parties.

In the meantime, 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.”*

3. Learned counsel for the petitioner has contended that the petitioner has since joined investigation and has fully cooperated as also that the matter stands compromised between the parties before the Mediation and Conciliation Centre.

4. Learned counsel for the State, on instructions from ASI Amandeep Singh, states that the petitioner has since joined investigation and has fully co-operated and that he is no longer required for further custodial interrogation as of now.

5. Learned counsel appearing for respondent No.2-complainant has also stated that the parties have since compromised the matter and that

the complainant-respondent No.2 would have no objection if the order dated 29.09.2022 is made absolute.

6. In view of the above, the order dated 29.09.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

August 24, 2023
tripti

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO