

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**205****CRM-M No.45885 of 2022****Date of Decision : 18.12.2023**

Aditya Vinayak

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gautam Dutt, Advocate and
Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG Punjab.

Mr. Lalit Singla, 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.59 dated 11.05.2022 under Sections 323, 342, 354-B, 506, 498-A and 34 of the Indian Penal Code, 1860 (Sections 406, 409, 420, 201 and 120-B IPC were added later on) registered at Police Station Division No.1, District Jalandhar City.

2. On 18.10.2022 the following order was passed :

“Petitioner is seeking anticipatory bail in the case bearing FIR No.59, dated 11.05.2022, under Sections 323, 342, 354-B, 506, 498-A, 34 of the Indian Penal Code (for short ‘IPC’) (Sections 406, 409, 420, 201, 120-B IPC added later on), registered at Police Station

Division No.1, District Jalandhar City.

Learned senior counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 11.05.2018. The matrimonial dispute has cropped up between the parties. Even the petitioner has got registered an FIR bearing No.49, dated 30.06.2022, under Section 380 IPC, registered at Police Station Jodhan, District Ludhiana Rural, against the complainant, wherein the complainant has been granted interim bail by this Court in CRM-M-44096-2022 vide order dated 23.09.2022. There are fair chances of amicable settlement between the parties.

On the oral request of the learned senior counsel for the petitioner, the complainant, namely, Isha, daughter of Gyan Chand Khugar, resident of 100 Surya Vihar, Near DAV College, Police Station Division No.1, Commissionerate, Jalandhar, is impleaded as respondent no.2. Registry is directed to make necessary entry in the Memo of Parties.

Notice of motion.

Ms. Ruchika Sabherwal, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Mr. R.S. Bajaj, Advocate, accepts notice on behalf of the respondent no.2-complainant and submits that the respondent no.2 is not averse to exploring the possibility

of amicable settlement between the parties.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court, on 14.11.2022.

To await the report, list on 14.02.2023.

However, the petitioner shall pay a sum of Rs.30,000/- to the respondent no.2-complainant on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer, subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

3. Pursuant to order dated 20.11.2023 an amount of Rs.26,00,000/- stands duly deposited with the Registrar (Judicial) of this Court.
4. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated.
5. Learned counsel for the State on instructions from ASI Kewal Krishan has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.
6. In view of the above, the order dated 18.10.2022 is made absolute. The petitioner shall, however, join investigation as and when

called. 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. The amount of Rs.26,00,000/- be kept in a FDR till the decision of the trial. The Trial Court, while disposing off the matter, shall take a decision on the release of the amount.

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

(ALKA SARIN)
JUDGE

18.12.2023

jk

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