

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

CRM-M-46661-2022

Date of Decision:01.05.2023

GURANDITTA SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab
assisted by ASI Resham Singh.

Mr. Deepak Aggarwal, Advocate with
Mr. Akhil Aggarwal, Advocate for the complainant.

JAGMOHAN BANSAL, J. (Oral)

1. On 11.10.2022 following order was passed:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.47 dated 18.08.2022, registered under Sections 498-A/406 IPC, at Police Station Women Cell, District Bathinda.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the daughter of the complainant on 23.04.2015. In the year 2015, the complainant had suffered a paralytic stroke. However, her condition improved and subsequently, she also gave birth to a daughter on 08.09.2019. There are false and vague allegations with regard to cruelty attributed against the petitioner. The petitioner is ready and willing to amicably settle the matrimonial dispute through the

process of mediation.

On the oral request of the learned counsel for the petitioner, the victim, namely, Amandeep Kaur, daughter of Bant Singh resident of Gali No.4/6, Jhujjar Singh Nagar, Bathinda is impleaded as respondent No.2.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State. Mr. Deepak Aggarwal, Advocate has put in appearance on behalf of respondent No.2/complainant and filed Vakalatnama. He has submitted that he disputes the aforesaid assertions made by the learned counsel for the petitioner but the complainant is not averse to exploring the possibility of amicable settlement.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 09.11.2022.

To await the report, list on 01.03.2023.

However, the petitioner shall pay a sum of Rs. 30,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court 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.”

2. The matter was referred to Mediation and Conciliation Centre of this Court, however, mediation could not be fructified.

3. On 20.04.2023, the petitioner made an offer to pay a sum of Rs.15 lakhs to complainant after selling his share of land.

4. Learned counsel for the complainant submits that complainant wants to join company of the petitioner and she does not want a sum of Rs.15 lakhs.

5. Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

6. The petitioner has joined investigation and he is ready to pay a sum of Rs.15 lakhs towards full and final settlement. Complainant is not ready to accept and is asking direction to petitioner to permit the complainant to join his company which this Court cannot direct while entertaining petition under Section 438 Cr.P.C. seeking anticipatory bail.

7. In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 11.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

8. 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.

9. 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

01.05.2023

Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No