

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**208****CRM-M No.47079 of 2022****Date of Decision : 09.08.2023**

Pavitter Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. D.S. Sidhu, Advocate for
Mr. Vikas Bali, Advocate for the complainant.**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.109 dated 12.09.2022 under Sections 376 and 506 of the Indian Penal Code registered at Police Station Shimlapuri, District Ludhiana.

2. Learned counsel for the petitioner has contended that the complainant in the present case is a 58 years old lady and the allegations levelled in the FIR is that for the last 10-11 years the petitioner was having physical relations with the complainant without her consent on the pretext that he would get her son settled. Lastly, it is alleged that on 01.06.2022 the petitioner came to her house and forcibly made physical relations with her and took the sale deed of her house and when she demanded the sale deed back the petitioner started threatening her.

3. On 01.12.2022 the following order was passed :

“At the outset, counsel for the petitioner submits that although petitioner had joined the investigation in terms of the orders passed by the Sessions Court, but the petition seeking pre-arrest bail was dismissed, vide order dated 06.10.2022 (Annexure P-7) as copy of the sale-deed could not be recovered from the petitioner. He submits that certified copy of the sale-deed has been obtained.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of respondent-State. He is assisted by Mr.Vikas Bali, Advocate for the complainant.

Counsel for the petitioner has handed over certified copy of the sale-deed to the State counsel, who will transmit it to the Investigating Officer.

Counsel for the complainant, in all fairness, submits that he does not have any objection, in case interim bail is granted to the petitioner. He submits that there is a possibility of settlement.

Counsel for the petitioner is also open for exploring the possibility of settlement.

In view of the above, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 15.12.2022 at 10.00 A.M.

List on 23.05.2023 to await the report of learned

Mediator.

Meanwhile, the petitioner shall join the investigation on 12.12.2022 at 10.00 a.m., at Police Station Shimlapuri, District Ludhiana and cooperate with the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his 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.”

4. Learned counsel for the petitioner has stated that though the matter was referred to Mediation and Conciliation Centre of this Court for exploring the possibility of a compromise between the parties but the same was a non-starter as the complainant did not turn up for mediation proceedings. The petitioner, however, joined the investigation and fully cooperated.

5. Learned State counsel on instructions from ASI Jaswinder Singh 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. Learned State counsel has further stated that the sale deed of the house of the complainant has also been recovered and handed over to the complainant

6. In view of the above, the order dated 01.12.2022 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners 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.

09.08.2023
jk

(ALKA SARIN)
JUDGE

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