

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-47457-2022 (O&M)

Date of Decision: 17.07.2023

Harmal Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Jasleen Kaur, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Rakesh Gupta, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.71 dated 17.09.2022 registered under Sections 406 and 498-A IPC at Police Station Women, District Patiala.

On 01.12.2022, this Court had passed the following order :-

“CRM-43673-2022

Application is allowed as prayed for.

Petitioner's affidavit dated 09.11.2022 is taken on record as Annexure P-4.

Main case

Mr. Arun Gupta, Advocate has put in appearance on behalf of respondent No.2 and has filed Vakalatnama, which is taken on record.

Service is complete.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail of FIR No.71 dated 17.09.2022, registered for offences under Sections 406 and 498-A of the Indian

Penal Code, 1860, at Police Station Women, District Patiala, Annexure P-1.

Counsel for the petitioner has made a reference to petitioner's affidavit, Annexure P-4, and submits that without admitting the allegations levelled in the FIR, petitioner is prepared to return the articles as deposed therein.

Counsel representing complainant-respondent No.2 has instructions to state that there is a possibility of settlement.

In view of the above, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 12.12.2022 at 10:00 A.M.

List on 17.07.2023 to await the report of the learned Mediator.

In the meanwhile, petitioner is directed to appear before the Investigating Officer on 09.12.2022 at 11.00 A.M. at Police Station Women, District Patiala or on any day thereafter as required by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on 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. On the day, the petitioner appears before the Investigation Officer, he will return the articles as deposed by him in the affidavit, which will be handed back to the complainant-respondent No.2 in accordance with law."

Learned State counsel, on instructions from HC Rahul Kumar states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 01.12.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

17.07.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No