

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

[209]

CRM-M-52362-2021

Date of Decision: 10.02.2023

Nitin Kanwar Mahajan

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Parminder Kaur, Advocate for
Mr. Rohit Sud, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Ms. Suman Kumari, Advocate for
Mr. Nikhil Batta, Advocate for
respondent No.2-complainant.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.46 dated 01.07.2021 (Annexure P-1) registered at Police Station Women, Patiala under Sections 406 and 498-A IPC.

This Court vide order dated 19.01.2023 granted interim protection to the petitioner. The relevant extracts of which read as:

“On 15.12.2021, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.Pc for grant of anticipatory bail to the petitioner in case FIR No.46 dated 01.07.2021 registered under Sections 406 and 498-A IPC at Police Station Women, Patiala.

Learned counsel for the petitioner inter alia submits that in the 10 years of petitioner's marriage with the complainant-wife, no complaint had ever been made qua the alleged harassment. He further submits that parties cohabited till 2019 and thereafter, the

complainant left the matrimonial home taking along all her belongings including the jewellery, which duly finds reflected in the whatsapp chat (Annexure P-3) between the parties. He still further submits that in fact the reason behind the registration of the FIR in question was on account of the complainant not willing to live with her parents-in-law. It has also been submitted that since parties are blessed with a child, he would not be averse to exploring the possibility of an amicable settlement/reconciliation with the complainant-wife and hence, the parties be referred to Mediation and Conciliation Centre of this Court.

On oral request of learned counsel for the petitioner, complainant-wife is directed to be impleaded as respondent-wife.

Notice of motion.

In the facts and circumstances, matter is referred to Mediation and Conciliation Centre of this Court. Parties are directed to appear before the said Forum on 19.01.2022.

Petitioner shall pay Rs.25,000/- as litigation expenses to the complainant wife on her appearance before the Mediation Centre.

To await the report, adjourned to 23.02.2022. Meanwhile, no coercive steps be taken against the petitioner till the next date of hearing.”

In compliance of order of this Court, the parties appeared before Mediation and Conciliation Centre of this Court, however, mediation could not be fructified.

Learned counsel for the petitioner submits that petitioner is ready and willing to join investigation.

In the meanwhile, at the first instance, the petitioner is directed to appear before Investigating Officer on 25.01.2023 and thereafter as directed by Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.”

Learned State counsel on instructions from ASI Baljinder Singh submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 19.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

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.

(JAGMOHAN BANSAL)
JUDGE

10.02.2023
Anjal

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>