

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-48754-2022 (O&M)

Date of Decision : 18.12.2023

SARWAN SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Himani Kapila, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Ramandeep Kaur, Advocate for

Mr. Varinder Basa, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.158 dated 27.09.2022 under Sections 498-A, 406 of the Indian Penal Code, 1860 registered at Police Station City Batala, District Batala.

2. On 27.10.2022 the following order was passed :

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.158, dated 27.09.2022, under Sections 498-A and 406 IPC, registered at Police Station City Batala, District Batala.

It has been contended by counsel for the petitioner that the petitioner got married with the complainant on 10.04.2014. He submits that no child was born out of the

wedlock. He further submits that on account of temperamental differences between both the petitioner and the complainant, there is a matrimonial discord between them. He further submits that despite the best efforts of the petitioner, the complainant did not cooperate in the matrimonial home and hence he filed a petition under Section 13 of the Hindu Marriage Act for dissolution of the marriage by a decree of divorce. He submits that now the complainant has left the matrimonial home in January 2021. He further submits that allegations in the FIR are false and frivolous and there is no iota of truth in the allegations pertaining to the harassment caused to the complainant on account of demand of dowry. He further submits that if the matter is referred to mediation, all the outstanding issues between the husband and the wife can be resolved amicably. He relies upon *Arnesh Kumar vs State of Bihar* and another, 2014(3) SCC (Crl.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 01.03.2023.

On the asking of the Court, Mr.Karunesh Kaushal,

AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Petitioner is directed to pay Rs.25,000/- as litigation expenses to respondent No.2 on the next date of hearing.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

Subsequently the parties have settled the matter before the

Mediation and Conciliation Centre of this Court and the settlement

agreement dated 25.09.2023 has been sent by the Mediator.

3. Learned counsel for the petitioner would contend that pursuant to the order dated 27.10.2022, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Rakesh Kumar has stated that the petitioner though has since joined investigation, however, certain recoveries are yet to be made.

5. Learned counsel for respondent No.2 states that he has no objection if the order granting interim bail to the petitioner is made absolute in view of the compromise arrived at between the parties.

6. In view of the above and in view of the compromise arrived at between the parties, the order dated 27.10.2022 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. Disposed off accordingly. Pending applications, if any, also stand disposed off.

18.12.2023

Aman Jain

(ALKA SARIN)
JUDGE

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