

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

201

CRM-M-50208-2022

Date of Decision : 29.04.2023

Inderjit Singh @ Inderjeet Singh Khokhar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl.A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 31.10.2022, 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.0212, dated 23.09.2022, under Sections 498-A, 406 IPC, registered at Police Station Baghapurana, District Moga.

It has been contended by counsel for the petitioner that marriage of the petitioner and respondent No.2/complainant was solemnized on 02.03.2021. He submits that though there is no issue out of the marriage, however, due to some temperamental differences, a matrimonial discord took place between them. He submits that respondent/wife did not cooperate in the matrimonial home and thus Panchayats were also

held for resolving the dispute amicably, however, the same did not materialise. He submits that despite best efforts of the petitioner, the complainant remained with the petitioner only for 7-8 months and thereafter she left the same. He has submitted that petitioner is ready to settle the dispute amicably even now if the matter is referred to mediation centre. He has submitted that FIR is lodged on the basis of false and frivolous allegations of harassment caused to the respondent/wife on account of demand of dowry, which are without any basis. 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 20.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Respondent No.2 be also served for the date fixed.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to respondent No.2 within one month from today.

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.”

Vide order dated 20.02.2023, the matter was referred to Mediation and Conciliation Centre of this Court.

Learned counsel for the parties are ad-idem that the matter has been settled before Mediation and Conciliation Centre of this Court and compromise deed dated 11.04.2023 has been executed.

Learned State counsel on instructions submits that the petitioner has joined investigation and no custodial interrogation is required.

In view of above noted facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 31.10.2022 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.

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.

29.04.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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