

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50461-2022
DECIDED ON: 30.05.2023

ANMOL MITTAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Rushil Sharma, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G, Punjab.

Mr. Amandeep S. Rehal, Advocate
for the complainant/respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

1.. Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is for the grant of pre-arrest bail in case FIR No.0081 dated 01.10.2022 registered under Sections 406 and 498-A of Indian Penal Code, 1860 at Police Station Women, District Patiala (Annexure P-1)

2. Learned counsel for the petitioner submits that in compliance of the order dated 18.11.2022, the petitioner has duly joined investigation. He further submits that in compliance of the order dated 09.03.2023, the parties appeared before the Mediation and Conciliation Centre and the matter has been amicably settled. He submits that now the petitioners and the complainant are residing together.

3. The factum of the matter having been settled, has been admitted by learned counsel for the complainant. The report dated 10.04.2023

submitted by the Mediation and Conciliation Centre is also on record as per which the parties have arrived at the amicable settlement.

4. Learned counsel representing the State of Punjab, on instructions from SI Sandeep, submits that in compliance of the order dated 18.11.2022 the petitioner has joined investigation and his custodial interrogation is not required.

5. On 18.11.2022, 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.0081, dated 01.10.2022, under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala, Annexure P-1.

It has been contended by counsel for the petitioner that petitioner solemnized marriage with the complainant/wife on 12.07.2019. He has submitted that thereafter, they are blessed with a son, however, on account of some petty issues, the matrimonial discord took place between both of them. He submits that the wife left the matrimonial home on 08.04.2021 alongwith the child. He submits that the petitioner has tried his level best to settle the dispute amicably, however, he could not succeed so far. He has submitted that the petitioner has been disowned by his parents and thus, it is not possible for him to live with his parents, however, he is ready to live with his wife separately. It is submitted that on account of the same, the matrimonial discord is between the husband and the wife and the same can be resolved amicably if the matter is referred to mediation. He has submitted that the allegations pertaining to harassment caused to the complainant/wife on account of demand of dowry etc. are totally false and frivolous and 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.

Counsel for the petitioner undertakes to implead the complainant as party respondent No.2 in the petition and file amended memo of parties within a week from today.

Issue notice of motion for 07.03.2023.

Mr.Amandeep S.Rehal, Advocate, who is present in Court, puts in appearance on behalf of the complainant and though he opposes the submissions made by counsel for the petitioner, however, he is also of the opinion that parties be given one opportunity to explore the possibility of amicable settlement of the dispute by referring them to the Mediation Centre.

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

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre of this Court on 13.12.2022 at 10.00 a.m. for making an effort to amicably settle the dispute.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to complainant on her first appearance before the Mediation Centre.

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.”

6. Thereafter on 09.03.2023, the following order was passed:-

“Status report by way of affidavit of Chand Singh, PPS, Deputy Superintendent of Police, Crime against Women and Children, District Patiala, on behalf of respondent-State has been filed, which is taken on record.

As per the report dated 03.03.2023, it has been reported by the Mediator that there are chances of an amicable settlement between the parties. However, since the matter was fixed for 07.03.2023 before this Court with the request for extension of time,

Learned counsel for the complainant submits that there are chances of amicable settlement between the parties.

Learned State counsel admits the factum of compromise and submits that the parties are positively responding to the mediation and the time be extended.

In the light of the above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 15.03.2023 and proceed with the Mediation Proceedings.

Adjourned to 30.05.2023.

Interim order to continue.”

Keeping in view the fact that the petitioner has joined investigation and his custodial interrogation is not required as also the fact that the matter has been amicably settled and the parties are residing together, the present petition is allowed. The order dated 18.11.2022 passed by this Court is made absolute, subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

30.05.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No