

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53512-2022 (O&M)
Date of decision : 03.07.2023

Ajay Kumar ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Sukriti Kaur, Advocate for
Mr. Anil Mehta, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhardwaj, AAG Punjab for respondent No.1.

Mr. N.S. Sidhu, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. On 18.11.2022 the following order was passed :

“Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.0154 dated 17.09.2022, under Sections 406, 498-A of IPC, registered at Police Station Sadar Khanna, District Khanna.

It has been contended by counsel for the petitioner that the petitioner solemnized the marriage with the complainant-wife on 28.11.2021. He has submitted that after this marriage, the petitioner came to know that the complainant-wife was already married and was divorced. He submits that the factum regarding her earlier marriage and divorce was totally concealed from

the petitioner and on account of the same, there arose a matrimonial discord between both of them. He submits that thereafter, respondent-wife left the matrimonial home in April, 2022 and since then, she is living with her parents. He submits that the petitioner lodged the complaint to the police on 21.04.2022 against the parents of the complainant and on account of the same, as a counter-blast, the present FIR has been lodged on false and frivolous ground. He submits that the allegations pertaining to harassment caused to the complainant on account of demand of dowry are totally false and mischievous in nature and have been levelled only to harass and humiliated the petitioner and his family. He has relied upon judicial precedent of the Hon'ble Apex Court in Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrL.) 449 and submits that the petitioner has no criminal antecedents and in view of the above mentioned facts, no case for custodial interrogation of the petitioner is made out. He submits that if the matter is referred to the Mediation Centre, the petitioner is ready to settle the dispute amicably. However, petitioner is ready to join investigation.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State. Learned counsel for the petitioner undertakes to implead the complainant-wife as respondent No.2 in this petition and file amended memo of parties within two weeks from today.

On impleadment of complainant-wife as respondent No.2, notice to her be issued for 07.03.2023.

In the meantime, 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:-

- 1. That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2. 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.*
- 3. That the petitioner shall not leave India without prior permission of the court.”*

Thereafter, the matter was referred to the Mediation and Conciliation Centre of this Court. A report has been received from the Mediation and Conciliation Centre wherein it has been stated that the parties to the *lis* have failed to arrive at an amicable settlement.

2. Learned counsel for the State, on instructions from HC Varinder Singh, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

3. In view of the above, the order dated 18.11.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as

specified under Section 438(2) of the Code of Criminal Procedure, 1973.

4. Disposed off accordingly. Pending applications, if any, also stand disposed off.

03.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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