

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-52118-2022 (O&M)
Date of Decision : 01.09.2023

Nitin Lamba

....Petitioner

VERSUS

State of Punjab and Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sushil Saini and Mr. Sahil Arora, Advocate
for the petitioner.

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

Mr. Lupil Gupta, Advocate for the respondent No.2.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in DDR No.11 dated 05.03.2022 registered under Sections 498-A, 323, 506 of the Indian Penal Code, 1860 at Police Station City-2, Khanna, District Ludhiana in FIR No.27 dated 25.02.2022 under Sections 452, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 325 & 355 IPC added later), Police Station City-2, Khanna, District Ludhiana.

2. On 14.11.2022 the following order was passed :

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case DDR No.11 dated 05.03.2022 under Sections 498-A/323/506 IPC, registered at Police Station City-2, Khanna in FIR No.27 dated 25.02.2022, registered under Sections 452/323/506/148/149 IPC, (Sections 325 and 355 IPC added later on) at Police Station City-2, Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 13.11.2020 but no child has been born from the wedlock. The present case has been registered as a counterblast to FIR No.27 dated 25.02.2022, under Sections 452/323/506/148/149 IPC, at Police Station City-2, Khanna, District Ludhiana at the instance of brother of the petitioner against the present complainant and members of her parental family. The co-accused in the instant case as well as the accused in the aforesaid FIR are on bail. The petitioner is ready and willing to amicably settle the matrimonial dispute.

On the oral request of the learned counsel for the petitioner, the complainant, namely, Venus wife of Nitin Lamba, R/o House No.156, Friends Colony, Khanna is impleaded as respondent No.2.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 14.12.2022.

To await the report, list on 23.02.2023.

However, the petitioner shall pay a sum of Rs. 30,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner would contend that the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Madan 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.

5. This Court on 20.07.2023 had directed the parties to remain present in Court. However, the parties have not come present today. It appears that the parties are not interested in settling the matter.

5. In view of the statement made by the learned State counsel, the order dated 14.11.2022 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.

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

September 01, 2023
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(ALKA SARIN)
JUDGE

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