

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52148-2022

Date of Decision:27.02.2023

GAGANDEEP SHARMA AND ANR.

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Inder Pal Singh, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab
assisted by ASI Balbir Singh.

Mr. K.S. Dadwal, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 14.11.2022 following order was passed:

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.0118, dated 02.10.2022, under Sections 406, 498-A and 120-B IPC, registered at Police Station Sri Anandpur Sahib, Rupnagar.

It has been contended by counsel for the petitioners that petitioners before this Court are jeth and Jethani, i.e. brother-in-law and sister-in-law, of the complainant. He has submitted that marriage between brother of petitioner No.1, i.e. Surjit Salwan and respondent No.2/complainant was solemnized on 04.10.2019. He submits that after the marriage, Surjit Salwan went to Australia and thereafter respondent No.2/complainant also went to Australia and there

arose some matrimonial discord between husband and wife in Australia itself. He has submitted that the petitioners have no role in the alleged harassment caused to the complainant. He has submitted that the complainant returned back to India and presently she is in India itself and however, the husband is presently in Australia. He has submitted that the petitioners are living in a rented accommodation and by no stretch of imagination, there can be any role from their side in harassing the complainant. He submits that parents of petitioner No.1 are no more. He submits that besides all the allegations, the petitioners are ready to settle the dispute amicably if the matter is referred to the mediation and conciliation Centre. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrI.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, petitioners are ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers their request for granting the same.

Issue notice of motion for 27.02.2023.

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

Mr. K.S.Dhaliwal, Advocate, who is present in Court, accepts notice on behalf of respondent No.2 and though he has opposed the submissions made by counsel for the petitioners, however, he is also of the opinion that the parties be provided one opportunity for exploring the possibility of amicable settlement. He has submitted that husband of the complainant is in Australia and her matrimonial life is in miserable

condition.

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre of this Court on 07.12.2022 at 10.00 a.m. to explore the possibility of amicable settlement of their dispute.

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

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

(ii) That the petitioners 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 petitioners 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.”

Status report by way of affidavit dated 27.02.2023 of Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, Punjab filed on behalf of respondent No.1-State is taken on record. Registry is directed to tag the same at the appropriate place.

Learned State counsel submits that petitioners have already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the

interim protection granted to the petitioners vide order dated 14.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioners 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.

(JAGMOHAN BANSAL)
JUDGE

27.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>