

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221

CRM-M-50790-2023 (O&M)

Date of Decision : 20.12.2023

SANDEEP SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Hitesh Chopra, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. Anurag Arora, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.78 dated 06.07.2023 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women Commissionerate Jalandhar, District Jalandhar (Annexure P-1).

2. On 10.10.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.78 dated 06.07.2023 under Sections 406, 498-A of the Indian Penal Code, 1860, registered at Police Station Women Commissionerate Jalandhar, District Jalandhar (Annexure P-1).

Learned counsel for the petitioner, at the outset, would contend that the petitioner is willing to return all the

istridhan articles as also wants to settle the matter and in order to show his bonafides he is willing to deposit an amount of Rs.3,00,000/-. Learned counsel further prays that the matter may be sent to the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement.

On the oral request of learned counsel for the petitioner, the complainant - Kulwinder Kaur daughter of Pargat Singh resident of House No.119, Guru Amardas Nagar Extn., Near Verka Milk Plant, Jalandhar, Punjab - is impleaded as respondent No.2 in the petition. Registry to make the requisite correction in the memo of parties.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. Anurag Arora, Advocate accepts notice on behalf of the complainant-respondent No.2

Learned counsel for complainant-respondent No.2 states that the complainant-respondent No.2 is also open to exploring the possibility of an amicable settlement and would have no objection if the matter is referred to the Mediation and Conciliation Centre of this Court.

In view of the statements made by counsel for the petitioner and the counsel for complainant-respondent No.2, let the parties appear before the Mediation and

Conciliation Centre of this Court on 30.10.2023 at 10.00 AM.

The petitioner, in order to show his bonafides, shall deposit a Demand Draft in the name of the Registrar General for an amount of Rs.3 Lakhs with the Registrar General of this Court on or before the next date of hearing, which would be invested in a FDR.

The petitioner is also directed to bring a Demand Draft of Rs.30,000/- in the name of the complainant-respondent No.2 towards litigation expenses, which shall be handed over to her before the Mediation and Conciliation Centre of this Court.

Awaiting the report of the Mediator, list on 20.12.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Harjeet

Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. The demand draft of Rs.3,00,000/- which was to be deposited with the Registrar General of this Court, as directed vide order dated 10.10.2023, has not been deposited. However, learned counsel for respondent No.2 states that he would have no objection if the order granting interim bail to the petitioner is made absolute in view of a compromise arrived at between the parties.

6. In view of the above, the order dated 10.10.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

20.12.2023

Aman Jain

(ALKA SARIN)
JUDGE

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