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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 18.12.2023

CRM-M No.51246 of 2023 (O&M)

Pippal Singh and Another Petitioners
V/s.

State of Punjab and Another Respondents

CRM-M No.52705 of 2023 (O&M)

Satnam Singh Petitioner
V/s.

State of Punjab and Another Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. P.P.S. Duggall, Advocate
for respondent No.2.

Vivek Puri, J. (Oral)

1. On 17.10.2023, the following order was passed:

“1. The petitioners are seeking anticipatory bail in the case bearing FIR No. 144 dated 18.08.2023 under Sections 498-A/342/509/323/34 IPC (offence under Section 406 IPC has been added later on) registered at Police Station Makhu, District Ferozepur.

2. Learned counsel for the petitioners contend that the marriage of petitioner-Stanam Singh was solemnized with the complainant about five years ago and a son has been born from the wedlock. The matrimonial dispute has cropped up between the parties. Initially, the complainant and her parental family members had humiliated Satnam Singh-petiitioner, who made an attempt to commit suicide. Accordingly, FIR No. 145 dated 19.08.2023 under Sections 306 and 116 IPC was

registered at Police Station Makhu, District Ferozepur. It has been further submitted that the injuries on the person of the complainant are only complaint of pain and furthermore, there was no damage to the fetus. The complainant is stated to be on family way. The petitioners are ready and willing to return all the articles of *istridhan* that may be in their custody. The petitioners are further ready and willing to amicably settle the matrimonial dispute.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State

5. Mr. P.P.S. Duggall, Advocate, has joined the proceedings on behalf of respondent No.2/complainant and submits that the injuries were inflicted upon the complainant while she was on family way. It has been further submitted that the FIR under Sections 306 and 116 IPC registered against the parental family members of the complainant may not be maintainable rather FIR under Section 309 IPC should have been registered against Satnam Singh-petitioner. Furthermore, the complainant is also not averse to exploring the possibility of amicable settlement through mediation.

6. Faced with this situation, learned counsel for the petitioners submit that even the offence under Section 309 IPC is bailable.

7. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 06.11.2023.

8. Petitioner-Satnam Singh shall also pay a sum of Rs.30,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

9. The report be awaited for 18.12.2023.

10. In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

11. Photocopy of this order be placed on the connected file.”

2. As per report of the mediator, the matter could not be amicably settled.

3. Learned counsel for the petitioners contends that in pursuance of interim directions, the petitioners have joined the investigation and whatsoever articles of *Istridhan* were in their possession have been handed over to the Investigating Agency.

4. Learned State counsel on instructions from ASI-Gurpreet submits that the petitioners have joined the investigation but recovery of one Car, one Motor Cycle and 15 *tolas* of golden jewellery are yet to be effected.
5. Learned counsel for the complainant has also opposed the grant of bail to the petitioners on the score that the recoveries are yet to be effected.
6. On a query posed by this Court, learned State counsel submits that Satnam Singh, petitioner has been recorded as the registered owner of the Car and the Motor Cycle but the same were purchased by the finances supplemented by the parental family of the complainant. It has also been submitted that there is no bill or receipt submitted with regard to 15 *tolas* of the golden jewellery.
7. Be that as it may, the controversy as to whether any articles of *Istridhan* were entrusted to the petitioners and the same have been misappropriated, will be a debatable and moot point during the course of trial.
8. Keeping in view the entire circumstances and the fact that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 17.10.2023 vide which the petitioners have been granted interim bail is made absolute.
9. The present petitions are allowed.
10. A photocopy of this order be placed on the file of the connected case.

18th December, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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