

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CRM-M-55445-2022

Date of Decision : 25.04.2023

Sanit Luthra and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. M.S.Batth, Advocate
for the petitioners.

Mr. Vipin Pal Yadav, Addl.A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 30.11.2022, the 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.0059, dated 11.11.2022, under Sections 406, 498-A IPC, registered at Police Station Women, Police Commissionerate, Amritsar.

It has been contended by counsel for the petitioners that son of the petitioners was married with the daughter of the complainant on 02.11.2020. He submits that thereafter the couple lived together hardly for a month and daughter of the complainant shifted to Canada. He submits that even as on date, she is in Canada. He submits that petitioners before this Court are the parents-in-law of daughter of the complainant. He further submits that now FIR has been lodged through father of the complainant only in order to harass

the petitioners. He submits that allegations pertaining to harassment on account of demand of dowry etc. are totally false and frivolous. It has further been submitted that de hors the allegations, the petitioners are still ready to settle the dispute amicably if the matter is referred to mediation centre. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (Crl.) 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 28.03.2023.

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

Mr.Vivek Salathia, Advocate, who is present in Court, puts in appearance on behalf of the complainant and submits that whereabouts of son of the petitioners are not known till date. However, he is also of the opinion that parties be given one opportunity to explore the possibility of amicable settlement of their dispute by referring them to the Mediation Centre.

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre, District Courts, Amritsar, on 12.12.2022 at 10.00 a.m. for making an effort to amicably settle the 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. ”

Learned counsel for the petitioners submits that the matter stands settled and they have filed a petition under Section 13-B of Hindu Marriage Act seeking divorce by mutual consent before the Family Court at Amritsar.

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

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 30.11.2022 is made absolute subject to the conditions envisaged under Section

438(2) of Cr.P.C.

If the petitioners or their 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.

25.04.2023
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(JAGMOHAN BANSAL)
JUDGE

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