

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

213

CRM-M-56509-2022

Date of Decision: 15.02.2023

Rajesh Sharma

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Inderjit Singh)

Mr. H.P.S. Bhinder, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

On 05.12.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.53, dated 16.10.2022, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Amritsar.

It has been contended by counsel for the petitioner that petitioner solemnized marriage with the daughter of the complainant on 15.05.2010 and thereafter they were blessed with two daughters. He submits that on account of their temperamental differences, the rift started between both husband and wife. He submits that the petitioner has always tried his level best to resolve the dispute but the same widened to the extent that finally the wife left the matrimonial home on 18.01.2022. It is further submitted that both the daughters are with the petitioner. He submits that petitioner filed the petition under Section 13 of the Hindu Marriage Act for dissolving the marriage and as a counter-blast to the same, the complainant/respondent No.2, who is father-in-law of petitioner, has filed the present FIR on the basis of false and frivolous allegations. He submits that petitioner is still ready to settle the dispute amicably

either way 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, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 15.02.2023.

On the asking of the Court, Mr.Karunesh Kaushal, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr.HPS Bhinder, Advocate, who is present in Court, accepts notice on behalf of respondent No.2/complainant, who is father-in-law of petitioner. He has submitted that the daughter of the complainant has been harassed by the petitioner only for the reason that she gave birth to three daughters, whereas the third daughter unfortunately died. He further submits that de hors the merits of the case, he is also of the opinion that the parties be granted one opportunity for resolving the matter by referring the same to the Mediation Centre.

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre of this Court on 20.12.2022 at 10.00 a.m. for making an effort to amicably settle the dispute.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to daughter of respondent No.2/complainant on her first appearance before the Mediation Centre.

No coercive action be taken against the petitioner till the next date of hearing.

State is directed to file status report on or before the next date of hearing.”

Learned counsels for the parties are *ad-idem* that matter stands amicably settled.

Learned State counsel, on instructions from ASI Inderjit Singh, submits that in view of settlement arrived at between the parties, respondent-State has no objection if interim protection granted to the petitioner is made absolute.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 05.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

It is made clear that petitioner shall appear before the Investigating Officer as and when called for and co-operate in the investigation.

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

15.02.2023
Mohit Kumar

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