

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

201

CRM-M-57020-2022 (O&M)
Date of order: 01.08.2023

Dr. Parminder Singh

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Onkar Singh, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG Punjab.

Dr. Rau P.S. Girwar, Advocate
for the complainant.

Nidhi Gupta, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.69 dated 08.11.2022 registered under Sections 406, 498-A and 506 IPC at Police Station Women Cell Bathinda, District Bathinda.

On 07.12.2022, this Court had passed the following order:-

"Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.69, dated 08.11.2022, under Sections 406, 498-A and 506 IPC, registered at Police Station Women Cell Bathinda, District Bathinda.

It has been contended by counsel for the petitioner that petitioner solemnized the marriage with the complainant on 23.10.2020 and however, due to some temperamental differences between both of them, the matrimonial discord took place and though they tried to settle the

dispute amicably but so far they could not succeed in the same and they started living separately from 26.12.2021. It has been submitted that thereafter the present FIR was lodged on account of allegations, which are without any basis. Counsel for the petitioner submits that de hors the allegations made in the FIR, petitioner is ready to settle the dispute amicably if the matter is referred to the mediation Centre. He submits that the petitioner has no criminal antecedents and 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, 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.

Counsel for the petitioner undertakes to implead the complainant as party respondent No.2 in the petition and file amended memo of parties within a week from today.

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 respondent-State.

Complainant is also present in person alongwith her counsel Dr.Rau P.S.Girwar.

The Court has interacted with the complainant and counsel for the parties. It is transpired that both the sides and the complainant are open to the negotiations if the matter is referred to the mediation Centre for exploring the possibility of amicably settlement either way.

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre, District Court Bathinda on 19.12.2022 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 complainant on her first appearance before the Mediation Centre.

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

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

(ii) That the petitioner 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 petitioner 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 State counsel, on instructions from ASI Gurmit Singh states that in terms of the order passed by co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the complainant submits that academic record of the complainant is in the custody of the petitioner-husband.

Learned counsel for the petitioner flatly denies that he is in possession of any of the documents pertaining to education of the complainant.

In view of the above, the order dated 07.12.2022 granting interim bail to the petitioner is made **absolute**.

However, the petitioner shall abide by following conditions:-

- i) He shall join the investigation as and when required by the Investigating Officer.
- ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- iii) He shall not leave the limits of this country without prior permission of the Court.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

01.08.2023
Sunena

(Nidhi Gupta)
Judge

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