

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-57924-2022

Date of Decision: 20.07.2023

MAYANK HANS

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Bhupinder Gupta, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. On 12.12.2022, following order was passed by the Co-ordinate

Bench:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.113 dated 15.11.2022, registered for offences under Sections 406, 498-A and 323 of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Jalandhar, Annexure P-1.

Counsel for the petitioner contends that although petitioner is alleged to have assaulted the complainant on her second marriage anniversary, but it was the complainant, who had initiated the assault. Reference has been made upon MLR dated 19.08.2021, Annexure P-3, to submit that the petitioner has suffered injuries in the incident. Counsel submits that the petitioner is ready to settle the matrimonial dispute and a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, Annexure P-4, has been instituted by him.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab, accepts notice on behalf of State-respondent No.1.

Respondent No.2 be served for 16.03.2023.

In the meanwhile, no coercive action shall be taken against the petitioner till the next date.”

2. Subsequently on 16.03.2023 following order was passed:

“Mr. Bhupinder Gupta, Advocate has appeared on behalf of respondent No.2 and filed his Vakalatnama, which is taken on record.

Learned counsel representing the petitioner as well as the counsel for respondent No.2 submits that the parties are ready for reconciliation, let the matter be sent to Mediation and Conciliation Centre to explore the possibility of amicable settlement between the parties.

Parties are directed to put in appearance in person before the Mediation and Conciliation Centre of this Court on 24.03.2023 and the petitioner is directed to pay a sum of Rs.15,000/- towards litigation expenses to the complainant before the Mediator.

To await the report, list on 03.05.2023.

In the meantime, arrest of the petitioner is stayed till the next date of hearing, subject to the joining of investigation.”

3. As per the report received from the Mediation and Conciliation Center, despite best efforts to reconcile the matter between the parties, the mediation proceedings remained unsuccessful.

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and he is not in possession of any articles of *Istridhan*.

5. Learned State counsel, on instructions from ASI Jaswant Singh, has also submitted that the petitioner has joined the investigation and his custodial interrogation is not required. However, it has been submitted that 38 grams of golden jewellery is yet to be recovered.

6. Learned counsel for the complainant submits that another effort may be made to explore the possibility of amicable settlement.

7. The matter has already been referred to the Mediation and Conciliation Center which remained unsuccessful. Moreover, the controversy as to whether the articles of *Istridhan* were entrusted to the

petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation and his custodial interrogation is not required.

8. For the aforesaid reasons, the petition stands allowed and it is directed that in the event of arrest, the petitioner be released on bail to the satisfaction of the arresting officer and this order shall be further subject to the condition that the petitioner abides by the conditions as stipulated under Section 438(2) of the Cr.P.C.

20.07.2023

Janki

**(VIVEK PURI)
JUDGE**

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