

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

202

CRM-M-60680-2022

Date of Decision : 19.04.2023

Vinod Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Ms. Kamalpreet Kaur, Advocate for  
Mr. Deepak Arora, Advocate  
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

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**JAGMOHAN BANSAL, J. (Oral)**

On 23.12.2022, 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.56, dated 13.10.2022, under Sections 498-A, 406, 506 IPC, registered at Police Station Purana Shalla, District Gurdaspur.*

*It has been contended by counsel for the petitioner that petitioner solemnized the marriage with respondent No.2/complainant on 12.10.2018, however, they don't have any issue out of the marriage. He submits that dispute between both the husband and wife is on account of their temperamental differences. He further submits that FIR was lodged on the basis of false and frivolous allegations regarding the alleged demand of dowry. He submits that with the intervention of*

*respectables, both the parties arrived at an amicable settlement and they filed a petition under Section 13-B of the Hindu Marriage Act for dissolving the marriage by mutual consent. The petitioner also paid Rs.2.5 lakhs to respondent No.2/complainant and the first motion statement was also recorded, however, before the second motion statement could be recorded, respondent No.2/complainant withdrew her consent and thus, the petition filed under Section 13-B of the Hindu Marriage Act had to be withdrawn. He submits that thereafter the complainant/wife returned the amount of Rs.2.5 lakhs paid to her. He has submitted that petitioner is ready to settle the dispute either way even now. 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. He further submits that if the matter is referred to mediation Centre, the parties can explore the possibility of amicable settlement of their dispute.*

*Issue notice of motion for 19.04.2023.*

*On the asking of the Court, Ms.Ishma Randhawa, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.*

*Notice to respondent No.2 be also issued for the date fixed.*

*Petitioner is also directed to pay Rs.25,000/- as litigation expenses to respondent*

*No.2/complainant within one month from today.*

*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 Amandeep submits that the petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his 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.

19.04.2023  
*anju*

( JAGMOHAN BANSAL )  
JUDGE

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