



CRM-M-251-2019 (O&M)

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201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-251-2019 (O&M)
DATE OF DECISION : 24.05.2024

WASIM KHAN

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 222 dated 03.12.2018 under Sections 406/498-A IPC registered at Police Station Phase-I, District Mohali.
2. Initially, the matter was referred to the Mediation and Conciliation Centre of this Court as per order dated 12.03.2019, however, the mediation failed.
3. Vide order dated 02.09.2021, the petitioner was directed to join the investigation and following order was passed by the Co-Ordinate Bench of this Court:

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner, which is opposed by counsel for respondent No. 2 by contending that the petitioner had made a statement that he would willingly rehabilitate the complainant, however, before making that statement, petitioner had already solemnized marriage with another woman, out of which marriage, a minor child is born. It is further submitted that recovery of



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worth Rs. 07 lacs gold items is pending. Learned counsel also submitted that the petitioner has not cleared payment of maintenance as assessed by the Courts below.

Learned counsel for the petitioner would refute the averments.

Adjourned to 21.01.2022.

Petitioner is directed to join the investigation within a period of one week and on doing so in the event of arrest, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C. ”

4. As per order dated 21.01.2022, learned State counsel had informed that petitioner has joined the investigation and some dowry articles have been recovered including 6 tola gold but some household articles are yet to be recovered. Petitioner was directed to re-join the investigation. Thereafter, vide order dated 09.03.2022 petitioner was again directed to re-join the investigation. As per order dated 10.11.2022, learned State counsel informed that petitioner had joined the investigation, however, some recovery is yet to be effected.

5. Even today, learned State counsel, on instructions from HC Manpreet Singh, has confirmed that the petitioner has repeatedly joined the investigation. The investigation is complete, challan has been prepared and will be filed shortly in the Court against the petitioner.

6. Petitioner is the husband of the complainant. Even the mediation has failed. The petitioner has repeatedly joined the investigation. The allegations contained in the FIR are a matter of trial.

7. In view of the aforesaid reasons and reasons recorded in the order dated 02.09.2021, the present petition is allowed and the order dated

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02.09.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

24.05.2024

Janki

(HARPREET KAUR JEEWAN)**JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*