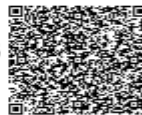


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M No.876 of 2024
Date of Decision: 07.05.2024

Harwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hardeep Singh, Advocate,
for the petitioner (through Video Conferencing).

Mr. Amandeep Singh Samra, AAG, Punjab.

None for the complainant.

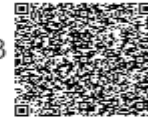
MANISHA BATRA, J.

1. The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.79, dated 14.09.2023, registered under Sections 406, 498-A, 323 of IPC at Police Station Women, District Patiala.

2. Vide order dated 09.01.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 09.01.2024 passed by this Court reads as under:-

“The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.79, dated 14.09.2023, registered under Sections 406, 498-A, 323 of IPC at Women Police Station, District Patiala.

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Notice of motion.

On asking of the Court, Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent-State. He seeks some time to file reply in the matter.

In view of joint statements made by learned counsel for the parties to the effect that there is possibility of an amicable settlement of the dispute between the parties by way of Mediation and matter may be referred to Mediation and Conciliation Centre for this purpose, parties are hereby directed to appear in person before the Mediation and Conciliation Centre of this Court on 23.01.2024.

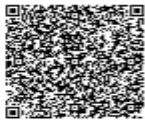
In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The report be awaited for 25.03.2024.”

3. Since in the status report submitted by the respondent-State, it was submitted that the petitioner had not joined the investigation whereas the petitioner present in Court insisted that he had been going to join the investigation but it was the investigating officer who was not letting him join the investigation, therefore, direction was given to the petitioner to appear before the Investigating Officer on 25.04.2024 to join the investigation and as per the report as submitted by learned State counsel, the petitioner joined the same as on that date though it is submitted that recovery of dowry articles has not been got effected by him.

4. It will also be relevant to mention here that parties had also been sent to Mediation and Conciliation Centre for settlement of their dispute on request of their counsel and as per the report received from the Mediation and Conciliation Centre, they had even settled their dispute but on

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the adjourned date of hearing, the complainant submitted that the petitioner did not abide by the terms and conditions of the settlement so arrived and, therefore, the said settlement did not have any force. The petitioner has since joined the investigation. His custodial interrogation is not required. Though non recovery of dowry articles has been alleged but since the same cannot be a ground for denial of bail as observed by Delhi High Court in case titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and in case titled as ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503. Therefore, this Court is of the opinion that no purpose would be served by detaining the petitioner in custody.

5. In view of these observations but without commenting on the merits of the case, the petition is allowed and the order dated 09.01.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

07.05.2024
manju

(MANISHA BATRA)
JUDGE

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