

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

CRM-M-1833-2023 (O&M)

DATE OF DECISION : 08.04.2024

DILPREET SINGH**... PETITIONER****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: None for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Ritesh Pandey, Advocate, for respondent No.2.

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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. 138 dated 04.11.2022 under Sections 406, 498-A, 120-B, 34 IPC, registered at Police Station Sadar Gurdaspur, District Gurdaspur.

2. The petitioner is the husband of respondent No.2, at whose instance the present FIR has been lodged. As per order dated 13.01.2023, the matter was referred to the Mediation and Conciliation Center of this Court. However, as per the report of the Mediator, the mediation has failed.

3. On 19.04.2023 following order was passed:

“By order dated 13.01.2023, the matter was referred to Mediation and Conciliation Centre of this Court and Investigating Officer was directed not to arrest the petitioner.

Learned counsel for the petitioner submits that petitioner is ready to cohabit with the complainant, however, learned counsel for the complainant submits that complainant is not ready to join company of the petitioner.

The petitioner is directed to join investigation and appear before Investigating Officer on 24.04.2023 at 10:00 AM and co-operate the Investigating Officer.

Adjourned to 05.05.2023.

Interim order to continue.”

4. Learned State counsel has confirmed that the petitioner has joined the investigation on 24.04.2023 and thereafter on 06.01.2024. However, some recovery has been effected but recovery of the dowry articles has not been effected.

5. Learned counsel for the complainant has opposed the bail application on the ground of non-recovery of the gold ornaments.

6. Keeping in view the fact that it is a matrimonial dispute. Even the parties have appeared before the Mediation and Conciliation Center of this Court, but the same failed. The petitioner has joined the investigation twice. Merely, on the ground that recovery of some articles is not affected, the application cannot be declined. The allegations and counter-allegations of the parties *inter se* each other are matter of trial. As such, the present application is allowed subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(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 the prior permission of the Trial Court/CJM concerned.

08.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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