



Sr. No.204

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

CRM-M-2391-2022

Date of decision: 02nd September 2024

MOHD. AMZAD KHAN

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
assisted by assisted by ASI Kulwinder Singh.

None for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.16 dated 29.12.2021, under Sections 498-A, 406 IPC, 1860, registered at Police Station Women, Malerkotla, District Malerkotla.
2. As per the order dated 17.02.2022, the matter was referred to the Mediation and Conciliation Centre of this Court.
3. As per the report of the Mediator, mediation proceedings failed.
4. On 18.07.2022, following order was passed:-

“Counsel for the petitioner submits that the petitioner has made payment of Rs.55,000/- towards litigation and travelling expenses to the complainant-respondent No.2, during mediation proceedings.

Report has been received from the Mediation Centre that attempts to bring about settlement between the parties, have not yielded any result.



Upon instructions from ASI Balbir Singh, State counsel submits that recovery is yet to be effected from the petitioner.

Let the petitioner join investigation on 04.08.2022 at 10.00 a.m., at Women Police Station Malerkota, District Malerkotla and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

List on 15.11.2022.”

5. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 18.07.2022.
6. Learned State counsel, on instructions from ASI Kulwinder Singh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.
7. Investigation is complete. Challan has been presented before the trial Court on 09.08.2024.
8. In view of the reasons recorded in the order dated 18.07.2022 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 18.07.2022, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
10. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any



condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

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

(HARPREET KAUR JEEWAN)
JUDGE

02nd September 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>