

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3657-2022 (O&M)
Date of Decision: 23.01.2024

SAHIL DHIMAN

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amarjeet, Advocate, for
Mr. Ankit Grewal, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Mr. Jasdeep Singh Kailey, Advocate,
for respondent No. 2.

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 case FIR No. 0094 dated, 11.12.2021 (Annexure P-1) registered at Police Station Patiala, District Patiala, under Sections 406 and 498-A of the IPC.
2. Learned counsel for the petitioner *inter alia* contends that he has been falsely implicated in this case. After recording the detailed contentions on behalf of the petitioner, the matter was referred to the Mediation as per the order dated 31.01.2022 passed by the co-ordinate Bench of this Court and in the meantime, the State was directed not to take any coercive steps against the petitioner. The said order reads as under:-

*“Prayer in this petition is for grant of
anticipatory bail to the petitioner in FIR No.0094 dated*

11.12.2021 under Sections 406/498-A IPC registered at Police Station Women, District Patiala.

Learned counsel submits that a false and fabricated case has been planted upon the petitioner by his wife without there being any grain of truth in the allegations so levelled. Learned counsel submits that the complainant left the matrimonial home on 25.02.2021 and it was after almost 10 months that the FIR in question was got registered against the petitioner. Learned counsel further submits that soon after the complainant left the matrimonial home, the petitioner had filed a petition under Section 9 of the Hindu Marriage Act, 1955. He further submits, while drawing the attention of this court to the allegations levelled in the FIR, that all the allegations pertain to the year 2020 and in case the complainant had actually been subjected to harassment as alleged, she would not have waited till 11.12.2021 to get the FIR in question registered. Learned counsel submits that it is thus obvious that the FIR in question had been registered as a counter-blast to the petition filed under Section 9 of the Hindu Marriage Act. Learned counsel submits that the parties are blessed with a baby girl and, hence, the petitioner would like to explore the possibility of an amicable settlement/reconciliation with his wife i.e. the complainant and the matter be referred to the Mediation & Conciliation Centre of this court.

On oral request of the learned counsel, the complainant is impleaded as respondent No.2 in this petition. Amended Memo of parties be filed in the Registry.

Notice of motion.

At this stage, Mr. Pardeep Kumar, Advocate, accepts notice on behalf of respondent No.2. He does not oppose the prayer made by the counsel opposite for referring the matter to the Mediation & Conciliation Centre of this court.

The petitioner and respondent No.2 are directed to appear before the Mediator at Mediation & Conciliation Centre of this court on 15.03.2022. On appearance of respondent No.2, the petitioner shall pay Rs.20,000/- to her as litigation expenses.

To await the report of the Mediator, adjourned to 28.07.2022.

Meanwhile, no coercive steps would be taken against the petitioner and his arrest shall remain stayed till the mediation process is undergoing.”

3. The mediation has failed and thereafter, as per the order dated 26.07.2023 passed by the co-ordinate Bench of this Court, the petitioner was directed to join the investigation.

4. Counsel for the petitioner informs that the petitioner has joined investigation in pursuant to the said order dated 26.07.2023.

5. Learned counsel for the State has also confirmed the fact that the petitioner has joined investigation on 17.11.2023. The parents of the petitioner who are the co-accused have also joined the investigation. However, the process for declaring one of the co-accused as a Proclaimed Offender has been initiated.

6. Counsel for the complainant has opposed the present petition on the ground that the complete recovery has not been effected so far.

7.

The FIR was registered at the instance of the wife of the petitioner. It is the contention of the petitioner that the complainant-wife has herself left the house and she has even filed a petition under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-2). There is no medical record to corroborate the contention of the complainant regarding maltreatment.
8.

Keeping in view the facts and circumstances of this case and considering the fact that the petitioner has already joined the investigation and there is no apprehension of his absconding, the order dated 26.07.2023 passed by the co-ordinate Bench of this Court granting interim bail to the petitioner is made absolute, on the terms and 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.

Liberty is reserved in favour of the State/complainant to move for cancellation/recall 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.

Pending miscellaneous application (s), if any, shall also stand disposed of.

January 23, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking
Whether reportable

Yes
No