262 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3794-2024
Date of decision: 05.08.2024

BALRAJ SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Sanjeev Kumar, Advocate for respondent No.2.

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HARPREET SINGH BRAR J. (ORAL)

1. Through instant petition, the petitioners are seeking anticipatory bail in case FIR No.102 dated 20.12.2023 registered under Sections 406, 498-A, 420, 506, 120-B of IPC at Police Station Women, District SAS Nagar.

2. Written statement dated 05.08.2024 on behalf of respondent No.2 has been filed, which is taken on record.

3. On 24.01.2024, following order was passed:

> *"The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.102 dated 20.12.2023 registered at Police Station Women, District SAS Nagar, under Sections 406, 498-A, 420, 506, 120-B IPC.*
>
> *Learned counsel for the petitioner contends that petitioners are mother-in-law and father-in-law of the complainant. The complainant and her husband are presently in Canada. The marriage ceremony was performed on 06.12.2020. The allegations leveled in the FIR are false. After the solemnization of marriage a total*

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sum of Rs.26,60,650/- has been transferred in the account of respondent No.2 by the petitioners and their son. Petitioner No.1 is 65 years old and is suffering from various ailments and he had suffered a heart attack in the year 2017 and is also diabetic and suffering from Hepatitis-C. Petitioner No.2 is 63 years old and she is suffering from Hypothyroidism and diabetic. The petitioners have already joined the investigation at the time when they were granted interim protection by the Additional Sessions Judge, SAS Nagar, vide order dated 28.12.2023 (Annexure P-15). They are still ready to join the investigation.

Notice of motion.

On advance notice, Ms. Himani Arora, AAG, Punjab appears on behalf of the State and seeks time to file status report. Keeping in view the facts and circumstances of the present case, in the opinion of this Court, it is a fit case for making a reference to mediation. As such a reference is made to the Mediation & Conciliation Centre of this Court. The Complainant can also be interacted by the Mediator through video conference. The petitioner is directed to appear before the learned Mediator of the Mediation and Conciliation Centre of this Court on 28.02.2024.

Adjourned to 16.05.2024 for awaiting the report of the Mediator.

In the meanwhile, the petitioners are directed to join investigation within ten days and in the event of arrest, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

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

(i) That the petitioners 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 petitioners shall not leave India without the prior permission of the Trial Court/CJM

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concerned."

4. Learned State counsel, on instructions from HC Harjit Singh, submits that in compliance of order dated 24.01.2024 passed by this Court, the petitioners have joined the investigation on 10.05.2024 and are not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel, the order dated 24.01.2024, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

6. The petition is accordingly disposed of.

7. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

August 05, 2024
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(i) Whether speaking/reasoned Yes/No

(ii) Whether reportable Yes/No

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