

CRM-M-5200-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-5200-2024 (O&M)
Date of Decision: 20.08.2024

RANJEET JOSHAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Himani Anand, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Dr. Sumati Jund, Advocate for the complainant.

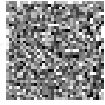
HARPREET KAUR JEEWAN , J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.77 dated 23.09.2023, under Sections 406, 498-A IPC, 1860, registered at Police Station Women Cell, District SAS Nagar, Punjab (Annexure P-1).

2. On 01.02.2024, this Court passed the following order was passed:-

“Learned counsel for the petitioner inter alia contends that the marriage between the petitioner-husband and complainant-wife was solemnized on 16.02.2021. The FIR was registered at the instance of the complainant-wife with the general allegations of cruelty. She further contends that at the time of their marriage, the age of the petitioner as well as complainant was about 40 years.

Keeping in view the aforesaid facts and circumstances, in the opinion of this Court, it is a fit case for making a reference to mediation.



Notice of motion for mediation process, at this stage.

On the asking of the Court, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent-State.

Notice to complainant to appear before the Mediation and Conciliation Centre of this Court on 14.02.2024 be issued.

The petitioner is also directed to appear before the Mediation and Conciliation Centre of this Court on 14.02.2024.

Adjourned to 22.05.2024 for awaiting the report of the Mediator.

Costs of Rs.10,000/- as litigation expenses by way of a demand draft in favour of complainant be deposited by the petitioner in the Registry of this Court, within a period of two weeks from today, which shall be handed over to complainant by the learned Mediator, when she appears before him.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he 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 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.”

3. Learned counsel for the petitioner contends that the petitioner is husband of the first informant. The petitioner has joined the investigation in compliance of the order dated 01.02.2024, passed by this Court.

4. Learned State counsel on instructions from HC Harjit Singh has confirmed that the petitioner has joined the investigation in terms of the order dated 01.02.2024 passed by this Court. She has informed that majority of the articles have been recovered.

5. Learned counsel for the complainant has opposed the petition on the ground that recovery of gold and silver ornaments have not been effected.



The parties lived together for a short while and the petitioner is having an extra-marital affair.

6. Both the parties have also appeared before the Mediation and Conciliation Centre of this Court. As per the report dated 07.08.2024, received from the Mediator, the mediation proceedings failed.

7. The allegations and counter-allegations of the parties *inter se* each other are a matter of trial. Merely on the ground of non-recovery of complete dowry articles, the relief cannot be declined to the petitioner.

8. In view of the aforesaid facts and the reasons recorded in the order dated 01.02.2024 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 01.02.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C. This order shall be further subject to deposit of a sum of ₹40,000/- as costs of litigation in favour of the complainant, which shall be paid by way of a demand draft in favour of the complainant through the Chief Judicial Magistrate concerned.

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

(HARPREET KAUR JEEWAN)
JUDGE

20.08.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No