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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-6975-2024 (O&M)
DATE OF DECISION : 18.07.2024

GOPAL SINGH

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manoj Pundir, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Ms. Nidhi Sharma, 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 case FIR No.140 dated 11.12.2023 registered at Police Station Mullanpur Garibdas, District SAS Nagar, Mohali under Sections 323, 294, 498-A and 34 IPC.

2. On 09.02.2024 following order was passed:

“xxxx Notice of motion.

On advance notice, Mr. Arun Gupta, AAG, Punjab, appears on behalf of the State and on instructions from ASI Dalvinder Singh confirms that none of the injuries are grievous in nature and even as per the X-ray report, the injury inflicted to Gopal Singh was simple in nature, co-accused have already been released on bail.

It appears to be a matrimonial dispute on account of some money exchange which is reflected in bank account statement of the complainant (Annexure P-2).

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

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a reference to mediation.

In the meantime, notice to Ms. Ritu Bala/complainant, be also issued and she is impleaded as respondent No.2 in the petition. The amended Memo of Parties be filed.

Both the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 29.02.2024.

Adjourned to 08.04.2024 for awaiting the report of the Mediator.

Costs of Rs.30,000/- 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 the 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:- xxxxx. ”

3. Learned State counsel, on instructions from ASI Balwinder Singh, has confirmed that the petitioner has joined investigation. She further submits that as per the medico-legal report dated 04.12.2023, the victim-complainant sustained two injuries and after the X-ray, both the injuries were declared as simple in nature. The victim was relieved from the hospital on the same day i.e. 04.12.2023. Learned State counsel has further confirmed that even the injury on the person of Mittal Singh, brother of the complainant is simple in nature as per the X-ray examination report. Copies of MLR of Mittal Singh and complainant-Ritu Bala is submitted in the Court.

4. Today, learned counsel for the petitioner has submitted a demand draft in the sum of Rs. 30,000/- as cost of litigation, in compliance

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with the order dated 09.02.2024, which has been accepted by the counsel appearing for the complainant/respondent No.2.

5. As per the report of the Mediation and Conciliation Centre of this Court, the matter was unsettled.

6. The allegations and counter-allegations of the parties *inter se* each other are a matter of trial. The petitioner has joined investigation and his further custodial interrogation is not required.

7. In view of the aforesaid facts and the reasons recorded in the order dated 09.02.2024, the present petition is allowed and the order dated 09.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on the merits of the case.

9. Liberty is also 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.

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

18.07.2024

Janki

(HARPREET KAUR JEEWAN)**JUDGE**