

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-9133-2023

Date of Decision: 05.03.2024

Rahul Arora

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. S.S. Chahal, AAG, Punjab.

Mr. APS Sandhu, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in case FIR No. 01 dated 17.01.2023 registered under Sections 406 and 498-A IPC at Police Station Women, District Amritsar City.

On 21.02.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court :-

“Learned counsel for the petitioner, at the outset, submits that the petitioner is ready and willing to settle the entire issue with the complainant. In fact, parties were referred to Mediation by the Family Court vide order dated 17.01.2023 (Annexure P-3) during proceedings in a petition filed under Section 9 of the Hindu Marriage Act, 1955 by the petitioner. However, FIR in question was lodged on the same day. Resultantly, the petitioner could not join the mediation proceedings.

Notice of motion for 10.04.2023 to explore the possibility of amicable settlement between the parties, subject to petitioner's depositing an amount of Rs.35,000/- in the Registry of this Court by way of demand draft in the name of complainant-respondent No. 2, within a week from today, to be given to her on appearance before this Court.

Meanwhile, to enable the petitioner to join the mediation proceedings, his arrest shall remain stayed."

Learned counsel for the petitioner submits that on 10.04.2023 when this case was listed for hearing before a co-ordinate Bench of this Court, the matter was referred to the Mediation and Conciliation Centre of this Court on the basis of statement of learned counsel for the parties to the effect that '*the disputes between the parties can be settled by way of mediation, and for that purpose they may be referred to Mediation and Conciliation Centre of this Court*'. Prior to passing of the aforesaid order, interim protection was already granted to the petitioner vide order dated 21.02.2024, reproduced above. Learned counsel for the petitioner submits that now, the matter has been compromised between the parties and now, they are residing together as husband and wife.

On instructions, learned counsel for the State as well as learned counsel for respondent No. 2/complainant have not disputed the aforesaid submissions of learned counsel for the petitioner.

In view of the above, the order dated 21.02.2023 staying the arrest of the petitioner to enable him to join mediation proceedings is made absolute and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section

438(2) Cr.P.C.:-

- i) *that the petitioner shall make himself available for interrogation before the Investigating 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/her from disclosing such facts to the Court or to any police officer;*
- iii) *that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and co-operate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case, at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

05.03.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No