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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Date of decision : July 15, 2024

Abhishek Kumar

....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rahul Deswal, Advocate, for the petitioner
Mr. Sahil R. Bakshi, AAG, Punjab
Ms. Ramandeep Kaur, Advocate, for the complainant

KULDEEP TIWARI, J. (ORAL)

1. On 4.3.2024, a Coordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“Petitioner Abhishek Kumar has filed second application under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 8 dated 01.02.2024 registered under Section 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Ludhiana, Annexure P-1.

Learned counsel for petitioner pointed out that mother of petitioner was granted anticipatory bail vide order dated 13.02.2024 passed by learned Additional Sessions Judge, Ludhiana and



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she has already joined investigation. In pursuance of this, some of the dowry articles are already recovered including the car. Copies of recovery memos are Annexure P-8. Talk regarding compromise is also going on.

Notice of motion.

On the asking of this Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of State.

Mr. Harender Singh, Advocate appears and accepts notice on behalf of respondent No. 2/complainant and filed his Memorandum of Appearance, which is taken on record. He has confirmed the aforesaid recovery of dowry articles as well as talk regarding compromise.

Both the parties are ready to appear before Mediation and Conciliation Centre of this Court to explore the possibility of compromise. Considering this fact, matter is referred to Mediation and Conciliation Centre of this Court, directing the parties to appear on 18.03.2024. Petitioner is directed to pay litigation expenses to the tune of Rs. 20,000/-to respondent No. 2, on appearance before Mediation and Conciliation Centre.

In the meantime, arrest of petitioner is stayed to explore possibility of compromise.

Learned counsel for State pointed out that she has not received copy of bail application. Learned counsel for petitioner is directed to supply the same during course of the day.

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To await report of Mediator, adjourned to 10.04.2024.

Status report be also filed on behalf of respondent-State on or before the adjourned date.”

2. Thereupon, the Coordinate Bench finding, that the matter can be amicably settled, sent the same before the Mediation and Conciliation Centre of this Court, and in the meanwhile, the petitioner was directed to join the investigation, and to cooperate, vide order dated 10.4.2024.

3. Today, the report from Mediation and Conciliation Centre received in this Court, and it is transpired, that the mediation has failed. The learned State counsel on instructions imparted to him by SI Meet Ram, submits that though the petitioner has joined the investigation, and most of the dowry articles have been recovered, however, gold articles which approximately comes out to be 150 grams, are yet to be recovered from the petitioner. Though the learned counsel for the petitioner, while referring to Annexure P/7, has disputed the issue of recovery of gold articles, however, in order to show bonafide, he submits that the petitioner is ready, and willing to deposit Rs 5 lacs in the shape of F.D.R., in favour of the complainant, with the learned trial court concerned, subject to the final outcome of the trial.

4. In view of the specific submission made by the learned



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counsel for the petitioner, interim bail granted to the petitioner vide order dated 10.4.2024, is made absolute, subject to the condition that the petitioner shall abide by the conditions, as envisaged under Section 438(2) Cr.P.C., and subject to the condition, that the petitioner shall deposit F.D.R. of Rs 5 lacs, to be drawn in favour of the complainant, with the learned trial court concerned. However, the F.D.R. So deposited, is subject to the final outcome of the trial.

5. **Disposed of** accordingly.

July 15, 2024
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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>