

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11796-2023 (O&M)
DATE OF DECISION : 01.05.2024

AMARJIT SINGH ... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Abhilasha Kainth, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. R.K.Arya, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 118 dated 18.06.2020 under Section 406, 498-A IPC, registered at Police Station Majitha, District Amritsar.

2. On 09.03.2023 following order was passed:

“At the outset, learned counsel for the petitioner contends that the issues between the petitioner/husband and the complainant/wife can be settled, and the petitioner is willing to do that. It is also pointed out that after the marriage on 2.1.2019, the petitioner left to Singapore on 19.10.2019 and has been staying there since then. The FIR was lodged on 18.6.2020 and during trial, faced by his mother and sister, the complainant/wife has been granted exparte divorce also on 16.5.2022.

Notice of motion.

Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of respondent no.1/State and seeks time to file reply.

Adjourned to 27.3.2023, to explore possibility of sending the matter to mediation for settlement.

Notice be issued to respondent no.2 for the date fixed.
In the meantime, petitioner's arrest shall remain stayed."

3. On 05.10.2023 following order was passed:

"As per the Report of the Mediator at Flag 'C, the petitioner informed him that he was not interested in further mediation proceedings.

Learned counsel for the petitioner points out that though vide the order dated 09.03.2023 passed by the Co-ordinate Bench, the arrest of the petitioner had been stayed but he was not directed to join in the investigation proceedings whereas he is ready and willing to do so.

Accordingly, the petitioner is directed to join in the investigation on 25.10.2023 at 10.00 A.M. sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

Adjourned to 12.12.2023. "

4. On 12.12.2023 following order was passed:

"As per previous status report dated 27.03.2023 filed by way of affidavit of Manmohan Singh Aulakh, PPS, Deputy Superintendent of Police, Sub Division Majitha, District Amritsar (Rural) on behalf of respondent-State, it was pointed out that petitioner had absconded to avoid his arrest and could not be arrested despite repeated efforts made by the Investigating Officer. A look out circular was also issued against the petitioner on 08.01.2021.

Learned State counsel has informed that now the petitioner has joined the investigation on 24.11.2023. However, the report of the mediator dated 07.07.2023 indicates that the petitioner has telephonically informed the mediator that he has no interest for further mediation, as such, the file is being sent back to this Court.

At the request of learned counsel for the petitioner, one more opportunity is granted to the parties to make an effort for reconciliation by appearing before the Mediation and Conciliation Centre of this Court on 11.01.2024.

To await report, adjourned to 06.03.2024.

Keeping in view the above facts, the interim order is continued subject to the condition that the petitioner shall not

leave India without prior permission of the trial Court.”

5. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 05.10.2023 passed by this Court and even co-operated in the Mediation process. The petitioner undertakes that he will not leave India without prior permission of the trial Court.

6. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Sukhdev Singh, has confirmed that the petitioner has joined investigation in compliance of order dated 05.10.2023. Learned State counsel has further informed that even the mother and sister of the petitioner have also joined the investigation. Challan has also been presented and charges have been framed against them. Some recovery was effected and the petitioner is not wanted for custodial interrogation since the challan/final report under Section 173 Cr.P.C. has already been presented in the trial Court.

7. Learned counsel appearing for respondent No.2 has opposed the bail application on the ground that recovery of gold ornaments has not been effected and petitioner had left India.

8. The arguments raised on behalf of respondent No.2 are a matter of trial.

9. In view of the aforesaid facts and circumstances as well as the reasons recorded in the order dated 09.03.2023 and subsequent order dated 05.10.2023 and also the order dated 12.12.2023, the present petition is allowed and interim order dated 05.10.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section

438(2) Cr.P.C. and petitioner shall not leave India without prior permission of the trial Court.

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

01.05.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No