

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12124-2023 (O&M)
DATE OF DECISION : 08.04.2024

VIKRAM JHAJHARIA ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.K.Khunger, Advocate for the petitioner.

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

Mr. A.K.Sama, Advocate, for
Mr. Harsh Neyol, 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 FIR No. 108 dated 26.12.2022 under Sections 406, 498-A IPC, registered at Police Station Khui Khera, District Fazilka.

2. The petitioner is the husband of respondent No.2, at whose instance the present FIR has been lodged. As per order dated 08.05.2023, the matter was referred to the Mediation and Conciliation Center of this Court. However, as per the report of the Mediator, the mediation has failed.

3. On 08.05.2023 following order was passed:

“In compliance of order dated 13.03.2023, status report by way of an affidavit of Mr. Shubeg Singh, PPS, Deputy Superintendent of Police, Sub-Division Fazilka District Fazilka has been filed by learned State Counsel on behalf of respondent No.1-State, which is taken on record, subject to all just exceptions.

Mr. Harsh Neyol, Advocate has put in appearance and

filed his memorandum of appearance on behalf of respondent No.2, which is taken on record and reiterates that the petitioner is a habitual drug addict and has in fact sold one of the gold ornaments also.

Learned counsel for the parties are ad idem that, in case, the matrimonial discord continues, it is better to decide the same by referring the matter to the Mediation and Conciliation Centre.

In light of the above, the parties are relegated to appear before the Mediator on 31.05.2023.

Adjourned to 17.07.2023.

In the meantime, the petitioner is directed to rejoin the investigation on 15.05.2023 at 10:00 AM before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

It is made clear that the petitioner shall get effected the recovery of the istridhan positively, so that the matter regarding the matrimonial discord can be amicably resolved between the parties.”

4. Learned State counsel, on instructions from ASI Bhagwan Singh, has confirmed that the petitioner has joined the investigation on 14.05.2023 and thereafter on 27.09.2023. However, some recovery has been effected but recovery of the gold ornaments has not been effected.

5. Learned counsel for respondent No.2 has opposed the bail application on the ground of non-recovery of the gold ornaments.

6. It is a matrimonial dispute. Even the parties have appeared before the Mediation and Conciliation Center of this Court, but the same failed. The petitioner has joined the investigation twice. Merely, on the ground that recovery of some articles is not affected, the application cannot be declined. The allegations and counter-allegations of the parties *inter se* each other are matter of trial.

7. In view of the aforesaid reasons and reasons recorded in the order dated 08.05.2023, the present petition is allowed and the order dated 08.05.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No