

**206/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12061-2023 (O&M)

DATE OF DECISION : 08.04.2024

SUKHDEV SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajat Dogra, Advocate for
Mr. SPS Sidhu, Advocate for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.
Mr. D.S.Khurana, 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.202 dated 04.12.2022 under Sections 406, 498-A IPC and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station, City Jalalabad, District Fazilka.

2. On 10.03.2023 following order was passed:

“xxxx Learned counsel for the petitioner contends that the petitioner is brother-in-law (Jeth) of the complainant and has nothing to do with the matrimonial affairs of the complainant and husband. He is a married man having two grown-up children, living separately from the complainant and her husband, having separate kitchen, though in same building. It is only to implicate the entire family for settling personal scores that the petitioner has also been named in the FIR. It has further been submitted that the allegations of taking money through self cheques dated 05.10.2019 and 07.02.2020 from the complainant, are also not believable. Being a family member the amount was withdrawn by the petitioner only on her asking, and was handed over to her in cash. The transactions are more than three years old. Even otherwise, it is not believable that he would raise any demand or accept dowry money by way of cheques.

Notice of motion for 05.07.2023.

Mr. Jashandeep Singh, Assistant Advocate General,

Punjab, accepts notice on behalf of respondent No.1-State.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C. ”

3. As per order dated 26.07.2023, the matter was referred to the Mediation and Conciliation Center of this Court in the connected matter bearing CRM-M-12937-2023. As per the report of Mediator, the matter was not settled. However, both the counsel for the petitioner and counsel for respondent No.2 have confirmed that the matter has been settled amicably outside the Court and a compromise deed has been recorded. A separate petition bearing CRM-M-1826-2024 for quashing of the FIR on the basis of compromise has been filed.

4. Learned counsel appearing on behalf of the respondent-State has also confirmed that the petitioner has joined investigation in compliance of the order of this Court dated 10.03.2023 and his custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 10.03.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 10.03.2023 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