

Sr. No.206

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13428-2023
Date of decision: 10th April, 2024

HARDEEP SINGH**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.S. Bains, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
assisted by ASI Sashvir Kumar.

Mr. Dushant Jog, Advocate for
Mr. H.S. Saini, Advocate
for respondent No.2/complainant.

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.6 dated 11.02.2023, under Sections 406, 498-A, IPC, registered at Police Station Women, District SAS Nagar (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The marriage between the petitioner and respondent No.2/complainant was solemnized on 22.02.2015 and out of the wedlock, two children were born. The brother of the petitioner has expired and the petitioner lives with his old-aged parents at Yamunanagar but respondent No.2 (wife) wants the petitioner to live with her at Mohali. The petitioner has also filed a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights.

3. On 17.03.2023, the matter was referred to the Mediation and Conciliation Centre of this Court and the following order was passed:-

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Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State.

Mr. Harmandeep Singh Saini, Advocate filed vakalatnama on behalf of respondent No. 2, which is taken on record.

The counsel for the petitioner as well as respondent No. 2 have expressed their desire for referring the matter to Mediation and Conciliation Centre.

In view of this, both the parties are directed to appear before the Mediation and Conciliation Centre on 27.03.2023. The petitioner is liable to pay Rs. 15,000/- towards litigation expenses to the respondent No.2 before the Mediator.

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

To await the report, list again on 08.05.2023.

xxxxxxx”

4. As per the order dated 28.07.2023, passed by the co-ordinate Bench, the petitioner was directed to join the investigation and cooperate with the Investigating Agency. Thereafter, vide order dated 23.11.2023, passed by this Bench, it was pointed out that some issues *inter se* the parties, with regard to the compliance of the final settlement recorded by the Mediator, are pending, as such, the matter was again referred to the Mediation and Conciliation Centre of this Court. The order dated 23.11.2023 is reproduced as under:-

“xxxxxxx

There are some issues inter se the parties with regard to final settlement recorded by the Mediator regarding its compliance.

It has been informed by the State counsel that the petitioner has not joined the investigation despite there being order dated 28.07.2023.

Learned counsel for the petitioner has submitted that the petitioner is ready to join the investigation and will fully cooperate with the investigating agency.

Since it is a matrimonial dispute, there are chances for settlement between the parties.

In view of above, the matter is referred to the Mediation & Conciliation Centre of this Court. As such, the petitioner and the complainant would appear before the learned Mediator of the Mediation & Conciliation Centre of this Court on 12.12.2023.

In the meantime, the petitioner is directed to join investigation on 01.12.2023 at 10.00 a.m. and thereafter as and when required by the investigating agency and in that event, he shall be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C. The petitioner shall also surrender his passport before the investigating officer.

Adjourned to 15.01.2024 for awaiting report of the Mediator.

Interim order to continue.

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5. On 15.01.2024, the learned State counsel, on instructions from ASI Sashvir Kumar, informed that the petitioner has joined investigation in compliance of the order dated 23.11.2023. However, extension of time for mediation proceedings was sought by the Mediator, which was allowed and 02 months' time was granted for further mediation proceedings.

6. Initially, some settlement was arrived at between the parties and compromise deed/settlement agreement dated 24.07.2023 was executed between the parties before the Mediation and Conciliation Centre of this Court. However, learned counsel for the complainant informed that the petitioner is trying to go abroad, as such, the said compromise did not mature and the complainant did not

make a statement for quashing of the FIR, regarding which a separate petition was filed.

7. The petitioner has joined investigation and efforts have been made for conciliation of the parties. As per the order dated 23.11.2023, the petitioner has surrendered his passport before the Investigating Officer.

8. In view of the above, the present petition is allowed and the order dated 23.11.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

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

10. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

10th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No