



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-13410-2024 (O&M)
Date of Decision: 27.08.2024

GURPREET SINGH @ GURI

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Khushika Setia, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. G.S. Thind, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.07 dated 31.01.2024, under Sections 406 and 498-A IPC, 1860, registered at Police Station Women, District Patiala.
2. On 15.03.2024, this Court passed the following order and directed the petitioner to join the investigation and the parties were also referred to Mediation and Conciliation Centre of this Court:

- ‘1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 07 dated 31.01.2024, registered at Police Station Women, District Patiala, under Sections 406 and 498-A of the IPC.
2. Inter alia contends that the petitioner has been roped in a false case at the instance of his wife whereas the marriage took place about



10 years ago on 29.04.2013 and out of the said wedlock two daughters were born. Even as per the allegations in the FIR, the petitioner is suffering from huge mental trauma and agony. There is no specific allegations with regard to the entrustment of the dowry articles and harassment on the part of the petitioner. The petitioner is ready to fulfill his obligations and he has even filed a petition under Section 9 of the Hindu Marriage Act, 1955, in Family Court, Camp Court at Budhlada (Annexures P-2 and P-3). He is ready to join the investigation and even participate in the mediation process.

3. Notice of motion.

4. Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent-State and seeks time to file reply.

5. Mr. G.S. Thind, Advocate, appears and accepts notice on behalf of the complainant and has filed his power of attorney in Court today. The same is taken on record.

6. Since the complainant is not impleaded as a party to the petition, she is ordered to be impleaded as respondent No. 2 in this petition. Office to do the necessary corrections in the memo of parties after taking particulars of the complainant from the copy of the FIR (Annexure P-1).

7. Counsel for respondent No. 2-complainant contends that even the complainant is ready for reconciliation. He further contends that the recovery is yet to be effected.

8. Keeping in view the facts and circumstances of this case, in the opinion of this Court, it is a fit case for making a reference to mediation.

9. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 16.04.2024 at 10:00 a.m. for exploring the possibility of an amicable settlement.

10. To await the report, list on 30.05.2024.

11. Costs of litigation of Rs.20,000/- be paid to respondent No. 2. The petitioner shall hand-over a demand draft for the said amount to respondent No. 2 on her appearance before the Mediation and Conciliation Centre of this Court.

12. In the meanwhile, the petitioner is also directed to join investigation within 10 days and in the event of his arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to his furnishing bail bonds/surety bonds, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.'

3. Learned counsel for the petitioner *inter alia* contends that the marriage took place 10 years ago and out of the wedlock, 2 daughters were born. The petitioner is ready to fulfill his obligations. The petitioner has even filed a petition under Section 9 of the Hindu Marriage Act, 1955 before Family



Court, Camp Court at Budhlada (Annexures P-2 & P-3).

4. Learned counsel for respondent No.2 has opposed the petition on the ground that no recovery has been effected from the petitioner. Even a sum of Rs.1,500/- each per month as awarded by the Family Court, Patiala, Camp at Samana, to both the minor children is not being paid by the petitioner.

5. As per the report dated 22.05.2024 of the Mediator, Mediation and Conciliation Centre of this Court, the parties could not arrive at an amicable settlement.

6. Learned State counsel has informed that though the petitioner has joined the investigation in terms of the order dated 15.03.2024 passed by this Court, however, recovery is yet to be effected.

7. Learned counsel for the petitioner submits that the petitioner undertakes that he would regularly pay the maintenance for the minor children as awarded by the Family Court, Patiala, Camp Court at Samana and would again request the Family Court for making a reference to Mediation, as the petitioner is willing to rehabilitate the complainant as well as the minor children.

8. In view of the aforesaid facts and the reasons recorded in the order dated 15.03.2024 and keeping in view the fact that the petitioner has joined the investigation and the allegations and counter-allegations between the petitioner and the complainant are matter of trial, the present petition is allowed and the order dated 15.03.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

9. However, the petitioner shall remain bound by the above-said undertaking.



10. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
11. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

27.08.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No