

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-14318-2023 (O&M)

Date of Decision: 30.01.2024

AJAY KUMAR

...Petitioner

Versus

STATE OF UT CHANDIGARH AND ANOTHER

...Respondents

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

Present:- Mr. P.K. Kapila, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. P.P. U.T., Chandigarh.

Mr. Saransh Sabharwal, Advocate
for respondent No.2.

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.4 dated 26.01.2023 registered under Sections 406, 498-A of the IPC at Police Station Women, Sector-17, Chandigarh.
2. The petitioner is the husband of the complainant-respondent No.2, who got lodged the FIR with the allegations that the petitioner and his family members used to beat and harass the complainant-respondent No.2 and used to demand dowry. The marriage between the petitioner and respondent No.2 was solemnized on 12.05.2021. As the per the complainant-respondent No.2, gold ornaments and a sum of Rs.3,50,000/- shagun in cash was given at the time of solemnizing of the marriage. The petitioner had given beatings to the complainant-respondent No.2, as such, she moved a complaint to Women Cell.

3. On 24.05.2023, a reference was made to the Mediation by the Coordinate Bench of this Court. As per the report of the Mediator of Mediation and Conciliation Centre of this Court, the mediation has failed between the parties.

4. Learned counsel for the petitioner further contends that the petitioner had joined the investigation in pursuance to the order dated 18.08.2023 passed by the Coordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from Investigating Officer confirms that the petitioner has joined investigation in compliance of the order dated 18.08.2023 passed by the Coordinate Bench of this Court.

6. Learned counsel for respondent No.2 opposes the bail petition on the ground of gravity of allegations made against the petitioner. He contends that recovery of the gold ornaments is yet to be effected.

7. The petitioner has joined the investigation. The allegations and counter-allegations would be a matter of trial. There is no apprehension of absconding the petitioner. The parties have already appeared before the Mediation but they could not settle their dispute amicably.

8. Keeping in view the reasons recorded in the order dated 18.08.2023 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 18.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. Nothing expressed hereinabove would be construed to be an

expression of opinion on merits of the case.

10. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30.01.2024
P.Bhatt

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