



CRM-M-14680-2023 (O&M)

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14680-2023 (O&M)

Date of Decision: 16.09.2024

ROHIT GARG

.. Petitioner

Vs.

STATE OF PUNJAB & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Akshay Jindal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Piyush Setia, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0026 dated 02.02.2023, under Sections 406, 498-A and 506 of IPC and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station City-1, Abohar, District Fazilka, Punjab.

2. On 08.04.2024, the following order was passed:-

“On 29.03.2023, the following order was passed:

“.....Learned counsel for the petitioner submits that there is a possibility of an amicable solution between the parties and all the proceedings and the litigations can be put to rest, therefore, without going into the merits at this stage, let notice be issued to the newly added respondent-wife to seek her consent for mediation.

Only for the said purpose, arrest of the petitioner shall remain stayed till the next date of hearing and in case, the mediation fails, this concession granted shall not be considered and the matter will be decided on its own merits.

**CRM-M-14680-2023 (O&M)**

The petitioner is directed to bring a demand draft of Rs.22,000/- in the name of respondent-wife, which shall be handed over to her, in case, the matter is referred to the mediation.

*Adjourned to **28.04.2023.***

The mediation proceedings initiated between the parties have not fructified.

*Learned counsel for the petitioner, inter alia, contends that the FIR in question is a result of matrimonial discord; petitioner is willing to return all the dowry articles including gold articles in his possession & he is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930**, and reiterated in **Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610**.*

*Adjourned to **15.04.2024.***

The petitioner is directed to appear before the Investigating Officer on 10.04.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. On 09.07.2024, the following order was passed:

“Faced with the situation that the order dated 29.03.2023 passed earlier by this Court states that only for the purpose of amicable solution between the parties, arrest of the petitioner was stayed; learned counsel for the petitioner as also learned counsel for respondent No. 2 are ad idem that there may be chances of settlement between the parties.

A joint request has been made to refer the matter to Mediation and Conciliation Centre, Fazilka, Punjab. Keeping in view the entirety of facts and circumstances, the petitioner as also respondent No. 2 (through their respective counsel) are directed to appear before Mediation and Conciliation Centre, Fazilka, Punjab on 17.07.2024. On appearance of respondent No. 2 before the said Mediation and Conciliation Centre, the petitioner shall furnish an amount of Rs. 1 lakh to respondent No. 2-wife for litigation expenses.

Put up on 06.08.2024 along with the report of the Mediator.

Interim order to continue.”

**CRM-M-14680-2023 (O&M)**

4. On 14.08.2024, the following order was passed:

“Learned counsel for the petitioner has submitted that the petitioner is willing to enter into an amicable one time settlement with the respondent No.2. In order to show his bona fide, learned counsel for the petitioner has submitted a demand draft bearing No.004310 dated 13.08.2024 for a sum of Rs. 5.00 lacs in the name of Registrar General of this Court. The same be kept on record.

Faced with the situation learned counsel appearing for respondent No.2 submits that the respondent No.2 is not averse to exploring the possibility of amicable settlement between the parties.

Keeping in view the entirety of the facts and circumstances of the case, it would be expedient in the interest of justice to refer the matter to Mediation and Conciliation Centre of this Court. Accordingly, the parties (through their respective learned counsel) are directed to appear before the Mediation and Conciliation Centre of this Court on 21.08.2024 or any other date fixed thereafter for exploring the possibility of amicable settlement. Learned counsel for the parties undertake to assist the said Forum during the proceedings.

Put up on 16.09.2024.

Further, it is deemed appropriate in the interest of justice, that the interim order dated 08.04.2024 earlier accorded to the petitioner shall enure till further orders.”

5 Learned counsel for the petitioner as also learned counsel for respondent No.2 are *ad idem* that the parties have amicably settled their dispute and the terms thereof have been reduced into writing vide Settlement Agreement dated 05.09.2024.

6. In pursuance to this Settlement Agreement, learned counsel for the petitioner has handed over three demand drafts for Rs.15,00,000/- bearing Nos.004321, 004322 and 004325 dated 12.09.2024 and 13.09.2024 respectively to learned counsel for respondent No.2 for onward transmission to respondent No.2/complainant. Photocopies thereof be taken on record.

7. Learned counsel for the petitioner as also learned counsel for respondent No.2 have agreed that the demand draft bearing No.004310 dated 13.08.2024 for Rs.5 lacs earlier submitted in favour of the Registrar General of this Court be returned to the petitioner.

CRM-M-14680-2023 (O&M)

8. Ordered accordingly.
9. In view of above, the petition is allowed and interim order dated 08.04.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
10. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
11. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
12. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
13. Pending applications, if any, shall also stand disposed off.

16.09.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No