

2024:PHHC:018700

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

202

CRM-M-18093-2023

Date of decision:09.02.2024

Aman Ahuja

...Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Sarmanpreet Kaur, Advocate for
Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr.Hemant Aggarwal, AAG, Punjab.

Mr. Kashish Garg, Advocate for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.01 dated 10.01.2023, registered for the offences punishable under Sections 498-A & 406 of IPC at Police Station Women Cell, District Bathinda

2. On17.04.2023, the following order was passed:-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.01 dated 10.01.2023 under Sections 498-A, 406 IPC registered at Police Station, Women Cell, Bathinda.

Learned counsel for the petitioner contends that it is only on account of temperamental differences between the petitioner-husband and the complainant that the latter submitted a complaint. The parties arrived at a compromise on 05.09.2022 and started residing together. However, the differences again cropped up and the FIR in question was lodged on the same complaint. The only child born out of the wedlock is with the petitioner. Both the parties are educated and petitioner wants to

settle all issues with the complainant; for that purpose, they may be referred to the Mediation and Conciliation Centre of this Court.

Notice of motion for 19.05.2023.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. Complete copy of the petition be handed over to learned State counsel during the course of the day.

In the meanwhile, petitioner's arrest shall remain stayed."

3. The proceedings undertaken for settlement of dispute between the parties before the Mediation & Conciliation Centre of this Court have failed. Then, on 06.11.2023, the following order was passed.

"As per the report of the Mediator at Flag 'B', the parties could not arrive at any amicable settlement of their dispute.

Learned counsel for the petitioner submits that though vide the order passed by the Co-ordinate Bench on 17.04.2023, the arrest of the petitioner had been stayed but he was not directed to join in the investigation whereas he is ready and willing to do so.

Accordingly, the petitioner is directed to join in the investigation on 17.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

Adjourned to 09.02.2024."

4. Learned State counsel, on instructions from ASI Bhupinder Singh, has stated that pursuant to the orders dated 17.04.2023 and 06.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of the above, the present petition is allowed and interim order dated 17.04.2023 and 06.11.2023 passed by this Court are

made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read 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.

7. 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.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 09, 2024
poonam

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