

101

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

**CRM-M-18082-2023 (O&M)
Date of Decision: 31.01.2024**

PARDEEP KUMAR**.. Petitioner****Vs.****STATE OF PUNJAB & ANR****..Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kulwant Singh Dhanora, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG, Punjab.
Mr. Shiv C. Bhola, Advocate for respondent No.2.

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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.0028 dated 10.02.2023, under Section 498-A IPC (Section 406 IPC added later on) registered at Police Station City Rupnagar, District Rupnagar.

2. On 24.04.2023, the following order was passed:-

“CRM-17540-2023

Application for impleading the complainant-Seema Rani as party respondent No.2 is allowed for the reasons stated therein.

Amended memo of parties is taken on record.

CRM-M-18082-2023

Learned counsel for the petitioner reiterates his assertions that it is an old marriage of more than 14 years and the allegations levelled are general in nature and it is only a minor matrimonial discord, which has been given a criminal colour, being a counter-blast to the petition filed under Section 9 of the Hindu Marriage Act by the petitioner.

Notice of motion.

Mr. Shiv C. Bhola, Advocate, has put in appearance on behalf of the complainant and filed his vakalatnama, which is taken on record.

Learned counsel for the parties are ad idem that there are high possibilities of resolving the matter, in case, the same is referred to the mediation.

Accordingly, the parties are directed to appear before the Mediation & Conciliation Centre of this Court on 25.05.2023, for exploring the possibility of an amicable settlement.

The petitioner is directed to bring a demand draft of Rs.11,000/- in favour of the respondent-wife which shall be handed over to her before the initiation of mediation proceedings.

Adjourned to 22.08.2023.

In the meanwhile, to await for the outcome of the mediation, the arrest of the petitioner shall remain stayed.

However, it is made clear that this interim relief is only for the purpose of exploring the possibility of an amicable settlement between the parties and in case, the mediation fails, the petition shall be decided on merits.”

3. Thereafter on 07.11.2023, the following order was passed:-

“Vide order dated 24.04.2023 the parties had been directed to appear before the Mediation and Conciliation Centre of this Court, however, mediation has failed between the parties.

Learned counsel for the petitioner would contend that the marriage between the parties is 14 year old and that the allegations made in the FIR are general in nature.

List on 30.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned State counsel, on instructions from ASI Jujhar Singh, has stated that pursuant to the order dated 07.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.

5. Learned counsel for the complainant pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

6. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

7. However, in order to lend quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of Rs.50,000/- with the learned Illaqa Magistrate within four weeks from today. On his doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.

8. In view of above, the interim order dated 07.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

9. 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.

10. 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.

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

12. Pending application(s), if any, shall also stand disposed off.

31.01.2024

Jasmine Kaur

**(SUMEET GOEL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes No
Yes No