

206-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22885-2023 (O&M)

Date of Decision: 23.01.2024

Heera Lal

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ajaivir Singh, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Shubham Bhalla, Advocate
for respondent No.2/complainant.

...

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.46 dated 19.04.2023, under Sections 498-A, 406 and 506 IPC registered at Police Station Sadar Pathankot.
2. On 29.05.2023, the following order was passed:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.46 dated 19.04.2023 under Sections 498-A, 406, 506 IPC at Police Station Sadar Pathankot.

Notice of motion.

Mr. Pankaj Khullar, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Shubham Bhalla, Advocate has put in appearance on behalf of respondent No.2 and filed his vakalatnama. The same is taken on record.

Learned counsel for the parties are ad adem that the matter can be referred to Mediation and Conciliation Centre of this Court to explore the possibility of amicable solution.

In light of above, the petitioner is directed to join investigation on 02.06.2023 at 10:00 A.M. before the

Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to be satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Accordingly, the parties are directed to appear before the Mediation and Conciliation Centre of this court on 20.07.2023 to explore the possibility of an amicable settlement.

The petitioner shall remit a sum of Rs.22,000/- to the respondent-wife towards litigation expenses.

Adjourned to 26.09.2023.

Reply/status report be filed on or before the next date of hearing.”

3. Learned State counsel on instructions has stated that pursuant to the order dated 29.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.

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

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

6. However, in order to put quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of Rs.1 lac 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.

7. In view of above, the interim order dated 29.05.2023 passed by this Court is made absolute, subject to the conditions as enumerated under

8. 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.
9. 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.
10. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

23.01.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No