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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22963-2024 (O&M)
DATE OF DECISION : 24.07.2024

AKSHAY GUPTA ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Sweta Beniwal, Advocate for
Mr. Aman Pal, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.
Ms. Ravisha Mahajan, Advocate for
Mr. Vikas Bali, Advocate for respondent No.2.
* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 60 dated 02.04.2024 registered under Section 406 and 498-A of IPC at Police Station Khanna City-2, District Khanna.
2. On 08.05.2024 following order was passed by the Co-Ordinate Bench of this Court:

“The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre-arrest bail in case arising out of FIR No.60 dated 02.04.2024 registered under Section 406 and 498-A of IPC at Police Station Khanna City-2, District Khanna on the basis of written complaint filed by respondent No.2-complainant making allegations of her being subjected to cruelty at the hands of the present petitioner who is her husband and other members of her in-laws family on account of demand of dowry and a car. It is also alleged that the istridhan belonging to respondent No.2 had been criminally misappropriated by the petitioner and his family members and converted the same for their own use.

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It is argued by learned counsel for the petitioner that the FIR has been lodged after a gap of 1 and ½ years from the date when respondent No.2 started living separately from him and his family members. There are vague, general and omnibus allegations made against the petitioner. He is ready to join the investigation and his custodial interrogation is not required. The petitioner is also ready to give back whatever articles belonging to respondent No.2, are lying in her matrimonial house.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Mr. Vikas Bali, Advocate appeared and has filed his Power of Attorney on behalf of respondent No.2. The same is taken on record.

Learned counsel for the petitioner and respondent No.2 have jointly submitted that there are chances of amicable settlement of the dispute between the parties if the matter is sent to Mediation and Conciliation Centre of this Court.

In view of above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 22.05.2024. The petitioner is also directed to pay Rs.10,000/- as travelling expenses to respondent No.2 on her appearance before the Mediation Centre.

To await the report of the Mediator, adjourned to 24.07.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

3. As per the report of the Mediation and Conciliation Centre of this Court, the matter stands compromised. The Settlement/Agreement dated 17.07.2024 has been signed by the petitioner-husband and complainant-wife.

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4. Learned State counsel has filed the status report by way of affidavit of Harjinder Singh, PS, Deputy Superintendent of Police, Sub Division Khanna, District Ludhiana and has also confirmed that the petitioner has joined investigation and further custodial interrogation of the petitioner is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 08.05.2024 and in view of settlement between the parties and also 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 08.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

24.07.2024

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(HARPREET KAUR JEEWAN)**JUDGE**