



Sr. No.219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23217-2024
Date of decision: 16th July 2024

KULWINDER SINGHPetitioner

versus

STATE OF U.T AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Arshdeep Bhullar, Advocate
for the petitioner.

Mr. Vivek Singla, APP for U.T., Chandigarh.

Mr. Shubham Chaudhary, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.24 dated 15.04.2024, under Sections 406, 498-A IPC, 1860, registered at Women Police Station, Chandigarh (Annexure P-1).
2. On 09.05.2024, the following order was passed by the co-ordinate Bench of this Court:-

“xxx xxx xxx xxx

2. *Learned counsel for the petitioner inter alia contends that the petitioner is the husband of the complainant. The FIR was registered due to a matrimonial dispute and there are chances of amicable settlement between the parties.*

3. *Keeping in view the facts and circumstances of this case, in the opinion of this Court, it is a fit case for making a reference to mediation.*

4. *Notice of motion.*



5. *On the asking of the Court, Mr. Vivek Singla, A.P.P. for U.T., Chandigarh, accepts notice on behalf of the respondent.*

6. *Since the complainant is not impleaded as a party to the petition, she is ordered to be impleaded as respondent No. 2 in this petition. Learned counsel for the petitioner is directed to file an amended memo of parties in the Registry of this Court.*

7. *Upon doing the same, notice to respondent No. 2 to appear before the Mediation and Conciliation Centre of this Court on 25.05.2027 be issued.*

8. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 25.05.2024 at 10:00 a.m. for exploring the possibility of an amicable settlement.*

9. *To await the report, list on 16.07.2024*

10. *Costs of litigation of Rs.30,000/- be paid to respondent No. 2. The petitioner shall hand-over a demand draft for the said amount to respondent No. 2 on her appearance before the Mediation and Conciliation Centre of this Court.*

11. *In the meanwhile, the petitioner is directed to join investigation within 15 days and in the event of arrest, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-*

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner contends that the marriage between the petitioner and the complainant was solemnized on 08.06.2020. It was a love marriage and the parents of the complainant accepted the marriage.

Thereafter, marriage function was held on 11.07.2020 in Hotel Metro, Sector 43,

Chandigarh. Compromise deed dated 07.07.2020 (Annexure P-2A) was



executed accepting the said marriage. Sufficient dowry articles were given at the time of marriage. The petitioner has joined the investigation in compliance of the aforesaid order dated 09.05.2024, passed by this Court.

4. Learned State counsel confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. Mr. Shubham Chaudhary, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record.

6. The matter was also referred to the Mediation and Conciliation Centre of this Court, however, it remained unsettled.

7. There was a matrimonial dispute *inter se* the parties. The allegations and counter-allegations between the petitioner and the complainant are matter of trial. Merely on the ground that recovery has not been effected from the petitioner, he cannot be denied the concession of bail.

8. In view of the reasons recorded in the order dated 09.05.2024 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 09.05.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

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

10. However, liberty is reserved in favour of the State/respondent No.2 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

16th July 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No