



CRM-M-25258-2023 (O&M)

- 1 -

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25258-2023 (O&M)

DATE OF DECISION : 30.07.2024

DILBAR SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sumeet Pal Singh Khaira, Advocate for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.
Mr. Parvez Akhtar, Advocate for
Mr. Kuldeep Singh, Advocate for respondent No.2.

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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. 14 dated 18.03.2023 registered at Police Station Singh Bhagwantpur District Rupnagar, under Sections 406/498-A IPC.

2. As per order dated 18.05.2023 passed by the Co-Ordinate Bench of this Court, the matter was referred to the Mediation and Conciliation Centre of this Court and following order was passed:

“Mr. Kuldeep Singh, Advocate has filed memo of appearance on behalf of the complainant. He undertakes to file vakalatnama on behalf of the complainant.

Learned counsel for the parties submit that the parties are willing to amicable settlement and prays that the matter may be referred to mediation and conciliation centre.

On request, the matter is referred to Mediation and Conciliation Centre for 25.05.2023. The petitioner is burdened with litigation expenses of Rs.15,000/- to be paid to the complainant before the Mediator.

Adjourned to 08.08.2023.

**CRM-M-25258-2023 (O&M)****- 2 -**

In the meantime, the arrest of the petitioner is stayed till the next date, subject to the petitioner joining the investigation.”

3. As per the report of the Mediation and Conciliation Centre of this Court, the mediation was unsuccessful. Thereafter, another reference was made to Mediation. Parties were directed to appear before the Mediation Centre of District Legal Service Authority, Rupnagar. The report has been received that even 2nd mediation was unsuccessful.

4. Learned State counsel, on instructions from HC Sandeep Kumar, has informed that the petitioner has joined investigation twice i.e. on 26.05.2023 and 14.01.2024 in compliance of the order passed by this Court and further custodial interrogation of the petitioner is not required.

5. As per order dated 09.11.2023, submissions were made on behalf of the complainant that a motor-cycle and educational testimonials of the complainant are still in possession of the petitioner. Thereafter, as per order dated 20.01.2024, it was recorded that though the petitioner has again joined the investigation and a motor-cycle has also been recovered from him but a contention was raised by counsel for the petitioner that the said testimonials are not in his possession of the petitioner and sought time to file an affidavit in this regard. As per the last order, though no affidavit has been filed but counsel for the petitioner had submitted that he has no objection if respondent No. 2 visits the house of the petitioner in the presence of Investigating Officer to find out the said testimonials. The respondent No.2-complainant was accordingly ordered to visit the house of

**CRM-M-25258-2023 (O&M)****- 3 -**

the petitioner. Today it has been informed that respondent No.2 did not visit the house of the petitioner to find out the aforesaid certificates.

6. Majority of the recovery has been effected, the petitioner has joined investigation and his custodial interrogation is not required by the Investigating Agency. In view of the aforesaid facts and the reasons recorded in the order dated 18.05.2023, the present petition is allowed and the order dated 18.05.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

8. 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.

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

30.07.2024

Janki/nitin

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*