



Sr. No.205

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

CRM-M-26613-2024
Date of decision: 18th September 2024

GURWINDER SINGH @ GURVINDER SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. R.K. Girdhar, Advocate and
Mr. Chirag Girdhar, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.28 dated 14.04.2024, under Sections 406, 498-A IPC, 1860, registered at Police Station Bariwala, District Sri Muktsar Sahib (Annexure P-1).
2. On 24.05.2024, following order was passed while granting interim bail to the petitioner:-

“xxx xxx xxx xxx

2. *Learned counsel for the petitioner inter alia contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. It is a matrimonial dispute. There are chances of amicable settlement between the parties. The petitioner is ready to join the investigation.*

3. *Notice of motion.*



4. *On advance notice, Ms. Himani Arora, A.A.G., Punjab appears on behalf of the respondent No. 1-State and seeks time to file status report.*

5. *Mr. Rajesh Kumar Girdhar, Advocate, accepts notice on behalf of respondent No. 2 and has filed his memorandum of appearance in Court today. The same is taken on record. He is directed to file his power of attorney by the next date of hearing.*

6. *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.*

7. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 31.05.2024 at 10:00 a.m. for exploring the possibility of an amicable settlement.*

8. *To await the report, list on 10.07.2024.*

9. *Costs of litigation of Rs.20,000/- 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.*

10. *In the meanwhile, the petitioner is directed to join investigation within 10 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.”



3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 24.05.2024.
4. Learned State counsel, confirms that the petitioner has joined investigation on 12.06.2024 and also contends that his further custodial interrogation is not required. He further submits that the petitioner has produced dowry articles pertaining to the victim comprising five gold rings (male) weighing 14.910 grams, five gold rings (female) weighing 12.320 grams and one Swift Car bearing Registration No.PB-05Z-5684 before the Investigating Officer.
5. The counsel appearing on behalf of the complainant has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.
6. The petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency. The allegations and counter-allegations between the parties are a matter of trial.
7. In view of the detailed reasons recorded in the order dated 24.05.2024 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 24.05.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
9. Liberty is 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.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18th September 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>