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305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-27576-2024 (O&M)
DATE OF DECISION : 22.08.2024

HARPREET SINGH

... PETITIONER

V/S

STATE OF UT CHANDIGARH AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Simran, Advocate for the petitioner.

Proxy counsel for
Ms. Simsi Dhir Malhotra, Addl. P.P. U.T. Chandigarh.

Mr. Arshvir Singh Sandhu, 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. 0056 dated, 20.09.2023, registered at Women Police Station, Chandigarh, under Sections 498-A and 406 of the IPC.

2. On 29.05.2024 following order was passed by this Court:

“xxxx Learned counsel for the petitioner inter alia contends that there are chances of amicable settlement. Since it is a matrimonial dispute, counsel for the petitioner has very candidly offered to pay a sum of Rs.10,000/- for the day to day expenses of the minor child. He submits that the matter may be referred to the Mediation and Conciliation Centre of this Court.

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.

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5. On advance notice, Ms. Simsi Dhir Malhotra, Addl. P.P., for U.T., Chandigarh, appears on behalf of respondent No. 1 and seeks time to file status report.

6. Mr. Arshvir Singh Sandhu, Advocate, accepts notice on behalf of respondent No. 2 and has filed is power of attorney in Court today. The same is taken on record. He also confirms that there are chances of amicable settlement between the parties.

7. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 15.06.2024 at 10:00 a.m. for exploring the possibility of an amicable settlement.

8. To await the report, list on 22.08.2024.

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 ten 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.

11. In the meantime, the petitioner would also comply with the undertaking to pay Rs.10,000/- per month to respondent No. 2 for day to day expenses of the minor child.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court. He further submits that the petitioner undertakes to comply with the undertaking to pay Rs.10,000/- per month to respondent No. 2 for day-to-day expenses of the minor child.



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4. Learned State counsel submits that the petitioner has joined the investigation in compliance of the order passed by this Court and his custodial interrogation is not required.

5. Both the parties have also appeared before the Mediation and Conciliation Centre of this Court. As per the report of the Mediator, the mediation proceedings failed.

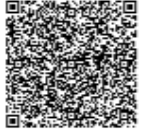
6. Learned counsel for respondent No.2 has opposed the present application on the ground that recovery of the dowry articles has not been effected.

7. The allegations and counter-allegations of the parties *inter se* each other are a matter of trial. The petitioner has joined investigation and his further custodial interrogation is not required. Merely on the ground of non-recovery of complete dowry articles, the relief cannot be declined to the petitioner.

8. In view of the aforesaid facts and the reasons recorded in the order dated 29.05.2024 and 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 29.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in 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. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates

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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.

22.08.2024

Janki

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