

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-29850-2023 (O&M)
Date of Decision: 19.07.2024

BHAVYA GAKHAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Rakesh Gupta, Advocate and
Mr. Ashish Gupta, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

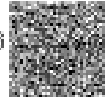
HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.72 dated 03.04.2023 (Annexure P-1) registered under Sections 323, 341, 406, 498-A, 506, 34 IPC at Police Station City Rajpura, District Patiala.
2. On 06.06.2023, the Coordinate Bench of this Court passed the following order and also directed the petitioner to join the investigation:

“Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No. 72 dated 03.04.2023, registered under Sections 323, 341, 406, 498A, 506 and 34 of IPC, at Police Station City Rajpura, District Patiala (Annexure P-1).

Notice of motion for 14.06.2023.

On asking of the Court, Mr. Athar Ahmad, D.A.G. Punjab accepts notice on behalf of the respondent-State and Mr. Anureet S. Sidhu, Advocate accepts notice on behalf of the



complainant.

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

3. The matter was also referred to Mediation and Conciliation Centre of this Court vide order dated 22.05.2024, which reads as under:

“Learned counsel for the parties are *ad idem* that there are chances of amicable settlement between the parties.

Despite the fact that there is a history of injury having been inflicted by the petitioner to the prosecutrix when she was pregnant, however, since it is a matrimonial dispute *inter se* the parties and both the parties intend to explore the chances of an amicable settlement, it is a fit case for making a reference to mediation.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court within a period of 02 weeks from today.

Cost of Rs.20,000/- as litigation expenses by way of a demand draft in favour of the complainant, be deposited by the petitioner in the Registry of this Court, within a period of one week from today, which shall be handed over to the complainant by the learned Mediator, when she appears before him.

Adjourned to 11.07.2024 for awaiting report of the Mediator.
Interim order to continue.”

4. Learned counsel for the petitioner contends that the matter has been compromised between the parties and both the petitioner and the complainant have already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955. On 11.07.2024, learned State counsel had sought time to verify the aforesaid fact.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Mohinder Pal has informed that the petitioner had joined the investigation and custodial interrogation of the petitioner is not required. Learned State counsel has further informed that a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has been filed on behalf of the petitioner and complainant, which is pending before the Family Court,



Rajpura. She has also confirmed the factum of compromise between the petitioner and the complainant.

6. Keeping in view the reasons recorded in the order dated 06.06.2023 and keeping in view the fact that the petitioner has joined investigation and matter has been compromised between the petitioner and the complainant, as such the present petition is allowed and the order dated 06.06.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.07.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No