

CRM-M-29400-2024 (O&M)
Date of Decision: 05.12.2024

...Petitioners

V/S

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Kuldip Sanwal, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been preferred under Section 438 of Cr.P.C. seeking grant of anticipatory bail in case FIR No. 0074, dated 04.05.2024, under Sections 498-A and 406 of IPC, registered at Police Station City Gurdaspur, District Gurdaspur.
2. On 05.06.2024, following order was passed:

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No. 0074, dated 04.05.2024, under Sections 498-A and 406 of IPC, registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioners submits that the present FIR is absolutely false and fabricated. He submits that matrimonial dispute between the son and the complainant, who is none other than their daughter-in-law already stood resolved by way of two compromises i.e. Annexure P-1 dated 29.12.2022 and Annexure P-2 dated 12.01.2023 by virtue of which the son of the petitioners and the complainant were residing at Chandigarh without any interference by the present petitioners, who are the father-in-law and the mother-in-law of the complainant.



Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Mr. Kuldip Sanwal, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama, which is taken on record. Complainant is also present in the Court today.

Learned counsel for the State assisted by counsel for the complainant has submitted that the FIR was lodged for the reason that on 13.11.2023 when the complainant left her matrimonial house at Chandigarh to visit her parental house on account of Bhai Dooj thereafter, the son of the petitioners disconnected the contact with the complainant and since then she has no clue about the whereabouts of her husband and her minor child who is just 4 ½ years old.

However, learned counsel for the petitioners as well as counsel for the complainant on instructions from the complainant has very fairly submitted that this matter could be referred to the Mediation Centre for exploring an amicable solution.

At this stage, learned counsel for the petitioners has also submitted that the application on behalf of the son of the petitioners shall also be filed shortly and he shall also join the mediation proceedings and, therefore, the date of mediation be fixed after 24.06.2024 as agreed by both the parties.

However, in the interregnum the petitioners shall ensure that their son communicates with the complainant on telephone/mobile No.9501850907 and make the child speak to the complainant on a video call so that the complainant is assured that the child is fine.

In light of the above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.07.2024 for exploring an amicable settlement between the parties.

The arrest of the petitioners shall remain stayed only to explore the possibility of an amicable solution and, in case, the parties fail to amicably resolve the dispute, the present matter shall proceed in accordance with law.

Adjourned to 06.08.2024.”



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3. Learned counsel for the petitioner submits that petitioners are parents-in-law of complainant-respondent No. 2. However, mediation between the parties remained unsuccessful in spite of making best efforts. Learned counsel further contends that son of the petitioners, who is husband of complainant-respondent No. 2, has already been granted the concession of anticipatory bail by learned Additional Sessions Judge-cum-Fast Track Court, Gurdaspur vide order dated 09.02.2024 and he has joined investigation and also handed over articles of respondent No. 2, which were in his possession.

4. In view of the above, keeping in view the law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51*; *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137*; *Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565*, *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, at the first instance, petitioners are directed to appear before the Investigating Officer within a period of two weeks from today and on their doing so or in the event of arrest, petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C./482(2) of B.N.S.S.

5. If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

6. The present petition is disposed of in aforesaid terms.
7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

05.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No