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209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30586-2023 (O&M)
DATE OF DECISION : 09.05.2024

CHETAN SHARMA ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sultan Singh Gill, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. A.K.Spehia, Advocate for the complainant.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

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. 100 dated 28.05.2022 registered at Police Station Beas, District Amritsar Rural, under Sections 406, 498-A IPC.
2. Vide order dated 15.06.2023 the petitioner was granted interim relief and following order was passed:

“Contends inter alia that petitioner is ready to settle the matter on some amicable terms with the complainant-wife.

Notice of motion.

Ms. Monika Jalota, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State, whereas, Mr. Anil Kumar Spehia, Advocate, causes representation on behalf of the complainant; and both seek time to have instructions and/or file written response in the matter.

Posted on 02.08.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions

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as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973. ”

3. Learned State counsel, on instructions from ASI Balwinder Singh, has confirmed that the petitioner has joined investigation in compliance of the order passed by the Co-ordinate Bench of this Court.

4. Learned counsel for the petitioner contends that though the mediation has failed, however, the petitioner is ready to pay a sum of Rs.5,000/- p.m. to the minor child, who is in the custody of the complainant and further deposit a sum of Rs. 4 Lakhs in the shape of FDR in the name of the minor child.

5. Learned counsel for the complainant has opposed the bail application on the ground that recovery is yet to be effected.

6. The controversy as regards the recovery, is a matter of trial.

7. Keeping in view the facts and circumstances of the case, contents of the FIR and also keeping in view the fact that the mediation has failed, the petitioner has joined investigation, the present petition is allowed and the order dated 15.06.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C. and also subject to the condition that petitioner would adhere to his undertaking during the pendency of the prosecution on the basis of present FIR. The original FDR be produced before the Area Magistrate within a period of one month from today, which shall be handed over to the complainant upon proper receipt and identification before the concerned Court. The monthly payments be deposited before 15th of each month in the bank account of the complainant, the details of which will be supplied by

the counsel for the complainant to the counsel for the petitioner.



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- 8. Disposed of accordingly.
- 9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

09.05.2024 (HARPREET KAUR JEEWAN)
Janki JUDGE

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