



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

213

CRM-M-29973 of 2024

DATE OF DECISION :- 08.08.2024

Davinder Singh

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Alok Mittal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Manjinder S. Saini, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 32 dated 14.04.2024, registered for offences under Sections 498-A, 323, 506 and 120-B of the IPC, at Police Station Woman, District Ludhiana.

2. On 14.06.2024, the following order was passed:-

“The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.32, dated 14.04.2024 under Sections 498-A, 323, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Woman, District Ludhiana.

Learned counsel for the petitioner inter alia contends that the petitioner-husband has been roped in the present case as a counter-blast of the divorce petition that has already been filed on 28.09.2023. She further contends that other co-accused persons have already been granted the concession of pre-arrest bail.

Notice of motion.



Mr. Teevar Sharma, AAG, Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.

Mr. Manjinder Singh Saini, Advocate enters appearance and files power of attorney on behalf of the complainant. He submits that there are fair chances of amicable resolution of the dispute amongst the parties in the event they are relegated to the Mediation and Conciliation Centre of this Court.

Accordingly, with the consent of the parties, they are directed to appear before the Mediation and Conciliation Centre of this Court on 08.07.2024 for exploring the possibilities of amicable resolution of the dispute.

Mr. Rupam Aggarwal, Advocate has been nominated as Mediator to conduct the mediation proceedings.

Report of the Mediation and Conciliation Centre be awaited for 08.08.2024.

A copy of this order be sent to Mr. Rupam Aggarwal, Advocate as well as to the Mediation and Conciliation Centre of this Court for information and necessary compliance.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on his furnishing bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Davinder Pal Singh, has stated that pursuant to the order dated 14.06.2024, the petitioner has joined investigation and is no longer required for custodial interrogation except for effecting recovery.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the



petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner.

5. Keeping in view the entirety of facts and circumstances of the case especially that the petitioner has joined the investigation and is not required by the State for any purpose except for effecting recovery, the present petition stands allowed and the interim order dated 14.06.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C. The instant order is directed to enure in respect of offence under Section 406 IPC as well.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

08.08.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No