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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30024-2024 (O&M)
Date of decision: 30.07.2024

Saurabh Arora

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. B.D. Sharma, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.36 dated 25.04.2024 under Sections 406 & 498-A of IPC, registered at Police Station PS Women, District Police Commissionerate Jalandhar.

2. On 18.06.2024, the following order was passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0036 dated 25.04.2024 under Sections 406, 498-A of IPC, registered at Police Station PS

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Women, District Police Commissionerate Jalandhar.

It has been submitted by counsel for the petitioner that petitioner was married with respondent No.2 on 30.09.2017. He submits that out of the marriage, they were blessed with one girl child who is 2 ½ years of age. He further submits that the dispute between the husband and wife was at the most matrimonial in nature and the allegations made in the FIR are not substantiated by any evidence. He, at the outset, submits that petitioner is ready to settle the dispute amicably with respondent No.2 if the matter is referred to the Mediation Centre.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Senior DAG, Punjab accepts notice on behalf of the State. Mr. Bhriagu Dutt Sharma, Advocate accepts notice on behalf of respondent No.2. He has also stated that the matter can be resolved by referring the parties to the Mediation Centre.

In view of the submissions made by counsel for the parties, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 02.07.2024 for the purpose of settlement.

List on 30.07.2024.

On appearance of respondent No.2 before the Mediation Centre, petitioner would pay Rs.25,000/- to her.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(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

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prior permission of the court.

Needless to say if petitioner does not pay Rs.25,000/- to respondent No.2, this interim order would be of no avail to him.”

3. Learned State counsel, on instructions from ASI Sukhdev Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Learned counsel for respondent No.2 vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that dowry articles have not been recovered till date and the interim protection was granted, as the petitioner submitted that he is ready to settle the dispute amicably and mediation between the parties has failed. Moreover, sister-in-law of the petitioner also lodged an FIR against brother and family members of the petitioner on account of cruelty and demand of dowry.

5. In view of the statement of learned State counsel, order dated 18.06.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

6. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

30.07.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No