

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-31150-2023

Date of Decision: 20.08.2024

Kunal Mehra and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vicky Sharma, Advocate for the petitioners.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. APS Sandhu, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

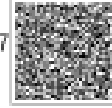
Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, who are husband and mother-in-law of the complainant, in case FIR No. 27 dated 20.05.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Amritsar, Punjab.

On 26.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“Fresh Vakalatnama filed on behalf of the complainant with ‘no objection’ from previous counsel is taken on record.

Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, who are husband and mother-in-law of the complainant, in case FIR No. 27 dated 20.05.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Amritsar, Punjab.

Learned counsel for the petitioners, inter alia, submits that petitioner No. 1 is the husband; whereas petitioner No. 2 is the mother-in-law of the complainant. Marriage of



petitioner No. 1 with the complainant was solemnized on 18.02.2022 and one child was born out of the said wedlock, who is currently in the care and custody of the complainant/wife. It is submitted that due to matrimonial discord, the parties are residing separately since July, 2022. Thereafter, petitioner No. 1-husband had filed a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights which is now pending for 11.03.2024, for filing of reply on behalf of complainant/wife. Vide order dated 05.07.2023, passed by a co-ordinate Bench of this Court, the parties were relegated to the Mediation and Conciliation Centre of this Court, for exploring the possibility of an amicable settlement. However, mediation between the parties had failed, on account of the fact that the complainant/wife was demanding Rs.20-25 lakhs from petitioner No. 1 husband; whereas petitioner No. 1-husband is ready to pay only Rs.10,00,000/- towards full and final settlement.

On instructions from ASI Parminder Singh, learned counsel for the State informs that in the present case, the complainant had filed complaint against 04 persons, i.e. her husband, mother-in-law (petitioners herein), father-in-law and sister-in-law. However, upon investigation, father-in-law and sister-in-law were found to be innocent, therefore, the present FIR was lodged only against the present petitioners. She further informs that pursuant to the notices issued to the petitioners under Section 41-A Cr.P.C., though the petitioners have joined the investigation, however, recovery some dowry articles is yet to be effected from them.

*Hon'ble the Supreme Court in **Bimla Tiwari vs. State of Bihar and others**, Law Finder Doc ID # 2110551, has held that "matter of grant of bail is not akin to money recovery proceedings", which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in **CRM-M-60647-2023**, '**Varun Sharma vs. State of Punjab and another**'.*

Learned counsel for the complainant submits that there are chances of an out of Court settlement between the parties and prays that the matter may be again referred to Mediation and Conciliation Centre of this Court.

However, learned counsel for the petitioners vehemently opposes the aforesaid prayer of learned counsel for the complainant. He further submits that nothing has to be recovered from the petitioners. The petitioners are ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon them.

In view of the above, the matter is again referred to the Mediation and Conciliation Centre of this Court for



exploring the possibility of an amicable settlement between the parties.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.03.2024 at 10:00 A.M.

Adjourned to 20.08.2024, for awaiting report of the Mediator.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

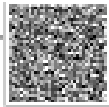
- I) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport(s), if any."*

Learned counsel for the petitioners submits that in compliance of the order dated 26.02.2024 the petitioners has joined the investigation.

On instructions from ASI Gurbhajan Singh, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation on on 09.03.2024 and are co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 26.02.2024 is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the



investigation and co-operate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case, at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

20.08.2024
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(NIDHI GUPTA)
JUDGE

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