



258 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-31354-2023 (O&M)
Date of Decision: 03.10.2024

MUKESH KUMAR

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Kashish Saini, Advocate for Mr. Sandeep Suri, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Kulbir Singh Saini, Advocate for

Mr. Kuldeep Singh Saini, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.37 dated 20.05.2023, under Sections 498-A, 406 and 506 of the Indian Penal Code, 1860, registered at Police Station Kiratpur Sahib, District Rupnagar (Ropar), Punjab.

2. On 06.11.2023, following order was passed:

“As reported by the Mediator at Flag ‘B’, the parties have amicably settled their dispute.

Learned State counsel has submitted the Status-Report on behalf of both the respondents (by way of the affidavit of the Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar) in the Court today and the same is taken on the record.

Learned counsel for the petitioner points out that though vide the order dated 30.06.2023, the Co-ordinate Bench had directed for not taking any coercive steps against the petitioner but he (petitioner) was not directed to join in the investigation whereas he is ready and willing to do so.

Accordingly, the petitioner is directed to join in the investigation on 14.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on



interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/ Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

Adjourned to 31.01.2024.”

3. Thereafter, on 31.07.2024, following order was passed:

On the last date of hearing following order was passed:-

“Mr. K.S.Saini, Advocate has filed power of attorney on behalf of respondent No.2.

Learned counsel for respondent No.2 contends that though the settlement was effected in the Mediation and Conciliation Centre of this Court. However, after the settlement, the petitioner has again beaten up the first informant and even testimonials of the minor child are still with the petitioner which are required for the admission of the child in the school.

Adjourned to 31.07.2024.

In the meantime, petitioner shall supply the testimonials to the investigating officer which shall be handed over to respondent No.2.

Learned State counsel shall also verify about the status of fresh complaint which has been filed by respondent No.2.

Interim order to continue till the next date of hearing.”

Today, Ms. Indu Bala, Advocate has filed power of attorney on behalf of the petitioner.

However, learned State counsel has informed that the petitioner has not complied with the order dated 21.05.2024 and did not supply the testimonials of the minor child to the investigating officer.

Counsel appearing for respondent No.2 contends that the child is 4 years' old and for want of these testimonials the child could not be admitted in any educational institute.

State has filed the status report dated 29.07.2024 by way of affidavit of Ajay Singh, PPS, Deputy Superintendent of Police, Sub Division Shri Anandpur Sahib, District Rupnagar and further informed that respondent No.2 was beaten up by the petitioner at Hisar and she was brought to her parental home and got admitted at Hospital at Kiratpur Sahib.



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In view of the aforesaid facts and circumstances, at the request of learned counsel for the petitioner, petitioner is again directed to supply the testimonials of the minor child to the investigating officer which shall be handed over to respondent No.2 within a period of 2 weeks from today.

The interim order is continued only subject to deposit of Rs.50,000/- as costs which shall be paid to the minor child by way of FDR.

Adjourned to 03.10.2024.

4. Ms. Kashish Saini, Advocate has put in appearance on behalf of petitioner and filed fresh power of attorney bearing endorsement of No-Objection from the earlier counsel. Same is taken on record.

5. Learned counsel for the petitioner submits that compliance of order dated 31.07.2024 has been made and FDR of Rs. 50,000/- has been handed over to learned counsel for respondent No. 2. A photocopy thereof has been retained on the case file.

6. Learned State counsel on instructions from SI Navdip Kaur, submits that in compliance of order dated 06.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

7. Keeping in view the statement made by learned State Counsel the order dated 06.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

8. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.10.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No