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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34238-2024

Date of decision: 21.08.2024

Rakshit Bajaj

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. B.S. Mittal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Prateek Pandit, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.24 dated 24.03.2024 (Annexure P-1) under Section 498-A of IPC registered at Police Station P.S. Women Cell, Jalandhar.

On 19.07.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C. '), seeking anticipatory bail in FIR No.24 dated 24.03.2024 under Section 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women Cell, Jalandhar.

*Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. The petitioner and the complainant fell in love with each other and after long relationship, they performed marriage on 16.02.2020 and due to temperamental differences, they have been living separately since 24.10.2022. The complainant has not come forward for reconciliation in spite of attempt made by the petitioner. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) R.C.R***



(Criminal) 754. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.

Notice of motion for 21.08.2024.

At this stage, Mr. Prateek Pandit, Advocate appears and accepts notice on behalf of the complainant and files Memorandum of Appearance in the Court today, which is taken on record. He undertakes to file Vakalatnama in the Registry on or before the next date of hearing.

Learned counsel for the complainant submits that there are chances of an amicable settlement between the parties.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.

As requested, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 24.07.2024 to explore the possibility of some amicable settlement and report be sent for the date fixed i.e. 21.08.2024.'

Learned counsel for both the parties jointly submits that the matter has been settled between the parties.

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

In view of the statement of learned State counsel, order dated 19.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.08.2024
Neha

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