

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

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CRM-M-36576-2023 (O&M)

Date of Decision: 04.04.2024

ROOP LAL MITTAL**...Petitioner****Versus****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr. M.K. Dogra, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.43 dated 22.06.2023 registered under Sections 406, 498-A, 323 IPC at Police Station Women, District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant-respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the petitioner had joined the investigation in pursuance to the order dated 16.11.2023 passed by this Court. He submits that the matter is stated to have been compromised between the parties in Mediation and Conciliation Centre of this Court and petitioner along with others have also filed a separate petition for quashing of the aforesaid FIR on the basis of compromise.

3. On 16.11.2023, this Court passed the following order:-

“Prayer in the present petition filed under Section 438 Cr.P.C is to release the petitioner on pre arrest bail in FIR No.43 dated 22.06.2023 registered under Sections 406, 498-A, 323 IPC at Police

Station Women, Bathinda (Annexure P-1).

The matter was referred to the Mediation Centre and settlement has been arrived at, as per which the parties have decided to dissolve the marriage, by way of a petition under Section 13-B of the Hindu Marriage Act at Bathinda within a period of one month from the date of settlement, which took place on 11.10.2023.

Learned counsel for the petitioner has informed that the said petition has already been filed and statement of the parties on first motion has also been recorded. He further submits that in terms of the compromise arrived at between the parties, payment of Rs.4,25,000/- has already been paid by the petitioner to the respondent-wife. However, the petition for quashing of the FIR is yet to be filed.

Adjourned to 20.02.2024.

In the meanwhile, in terms of the compromise between the parties and in the interest of justice, the petitioner is directed to join the investigation within a period of 10 days and in that event he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.”

4. Learned counsel appearing on behalf of the respondent-State on instructions from concerned Investigating Officer confirms that the petitioner has joined the investigation.
5. Keeping in view the reasons recorded in the order dated 16.11.2023 and keeping in view the fact that the petitioner has joined investigation; his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 16.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
6. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
7. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

04.04.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No