

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39150-2023 (O&M)

DATE OF DECISION : 08.02.2024

VIVEK SHEEL

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav Partap S. Pathania, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Munish Puri, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

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.10 dated 28.07.2023 registered at Police Station Dhar Kalan, District Pathankot, under Sections 498-A and 406 of the IPC.

2. On 24.08.2023 following order was passed:

“xxxx Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in the criminal case under reference whereas, in-fact, he had never ever demanded dowry from the complainant nor had ever subjected her to cruelty and rather, it is the complainant-wife who is unwilling to join his company and moreover, the petitioner is ready to join in the investigation and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 14.12.2023.

Meanwhile, the petitioner shall join in the investigation

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.

However, the petitioner shall continue to join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

At this stage, Mr. Munish Puri, Advocate, has put in appearance on behalf of the complainant in this case and has submitted his Memorandum of Appearance in the Court and the same has been placed on the file.

Learned counsel for the complainant requests for referring the instant matter to the Mediation and Conciliation Centre of this Court to explore the possibility of some amicable settlement of the dispute between the parties.

Learned counsel for the petitioner has no objection for the same.

Resultantly, let the present matter be put up before the abovesaid Centre on 11.09.2023.

The petitioner and the complainant are directed, through their respective counsels, to appear there on the date fixed.

The petitioner shall hand over a Demand Draft worth Rs.20,000/- to the complainant-wife, towards the litigation and travelling expenses, at the time of first appearance in the afore-said Centre.

The report of the Mediator be awaited for the date fixed.

Power of Attorney on behalf of the complainant be also filed on or before the next date of hearing. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 24.08.2023 passed by this Court and recovery has also been effected.

4. Learned counsel for the complainant has opposed the bail application on the ground that complete recovery has not been effected.

5. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Balkar Singh, confirms that the petitioner has joined investigation and recovery of some gold ornaments has been effected.

6. The parties were sent to the Mediation and Conciliation Center.

As per the report of the Mediator, the mediation has failed.

7. The allegations levelled by the complainant and the contentions of the petitioner are a matter of trial.

8. In view of the reasons recorded in the order dated 24.08.2023 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 24.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.02.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No