

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

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CRM-M-39478-2023

Date of decision: 16.01.2024

Monu Sharma

....Petitioner

V/s

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Sandeep Arora, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr.B.S. Rana, Advocate,
for respondent No.2.

SUMEET GOEL, J.

1. On 11.08.2023, the following order was passed:-

"1. The petitioner is seeking anticipatory bail in the case bearing FIR No.50 dated 26.07.2023 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Ludhiana.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 06.05.2019 but no child has been born from the wedlock. The complainant/respondent No.2 is residing separately from the petitioner since 07.10.2019. The FIR has been lodged on the basis of false and vague allegations. At the earlier instance, the petitioner had instituted a petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights. The respondent No.2 never expressed her willingness to reside with him. Subsequently, the petitioner withdrew the said petition and has instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage. The petitioner is ready and willing to amicably settle the matrimonial dispute.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent No.1-State.

5. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 11.09.2023.

- 6. *The petitioner shall also pay a sum of Rs.20,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.*
- 7. *The report be awaited for 13.10.2023.*
- 8. *In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”*

- 2. Thereafter, the matter was referred to Mediation and Conciliation Centre of this Court but the same could not fructify.
- 3. Learned State counsel, on instructions from Sub Inspector Raghbir Singh, has stated that pursuant to the order dated 11.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation except for effecting complete recovery of the dowry articles alleged to have been given to the accused-petitioner.
- 4. In view of above, the interim order dated 11.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
- 5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
- 6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
- 7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 16 , 2024
poonam

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