

2024:PHHC:011332

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

203

CRM-M-41925-2022
Date of Decision: 29.01.2024

Sandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUMEET GOEL

Present:- Mr.Dixit Raj Kapoor, Advocate, for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. Ranjit S. Sidhu, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

1. Apprehending his arrest in FIR No.55 dated 01.08.2022 registered for offences punishable under Sections 406/498-A IPC at Police Station Maloud, Khanna City, District Ludhiana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. On 14.09.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.55 dated 01.08.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Maloud, Khanna City, District Ludhiana, Punjab, Annexure P-1. Counsel for the petitioner submits that there is a possibility of settlement between the petitioner and the complainant-wife. Notice of Motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of the respondent-State. Mr. Sumeet Singh Brar, Advocate has put in appearance on behalf of the complainant-wife and has filed Power of Attorney, which is taken on record. Counsel for the complainant- wife has requested for referring the matter to the Mediation and Conciliation Centre of this Court. Request is accepted.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 21.09.2022 at 10.00 A.M. List on 16.02.2023 to await report of the learned Mediator. On the day, the parties appear before the Centre, the petitioner will pay a sum of Rs.30,000/- by way of litigation and travelling expenses to the complainant-wife, which will be a condition precedent to the initiation of the mediation proceedings. In the meanwhile, arrest of the petitioner shall remain stayed till the next dat."

3. Learned State counsel, on instructions from ASI Ramesh Kumar, has stated that pursuant to the order dated 14.09.2022, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.

4. Learned counsel for the complainant pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

5. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

6. However, in order to lend quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of

Rs.1,00,000/- with the learned Illaqa Magistrate within four weeks from today. On his doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.

7. In view of above, the interim order dated 14.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C. The petition stands disposed of.

8. This order should not be treated as “blanket” order. It will not be read as 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.

9. 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.

10. 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 29, 2024
poonam

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No