

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
201

CRM-M-45956-2022
Date of decision: 29.04.2024

HAJURA SINGH

...PETITIONER

V/s

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Lalit Singla, Advocate with
Ms. Varsha Sharma, Advocate for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.65 dated 18.08.2022 , registered for the offences punishable under Sections 498-A, 406 of IPC at Police Station Khanauri District Sangrur, Punjab.
2. On 30.09.2022, the following order was passed:-

Notice of motion.
On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of respondent-State. He is assisted by Mr.Lalit Singla, Advocate for the complainant. Counsel representing the private parties submit that a settlement has been arrived at between the parties, but its terms are yet to be finalized. Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 11.10.2022 at 10.00 A.M.
List on 20.02.2023 to await the report of learned Mediator.
In the meanwhile, arrest of the petitioner shall remain stayed till the next date. On the day parties appear before the Mediation Centre, petitioner will pay a sum of Rs.35,000/- by way of litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of mediation proceedings. Since husband of the complainant is stated to be in Canada, learned Mediator is requested to associate him with the mediation proceedings through the medium of video conferencing."

On 18.05.2023, the following order was passed:-

“Mediation between the parties failed.

Adjourned to 05.10.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

On 16.04.2024, the following order was passed:-

“Learned counsel appearing for the petitioner as also learned counsel appearing for the complainant are ad idem that there are chances of amicable settlement between the parties. A joint request has accordingly been made for referring the instant petition to Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement.

In view of the above statement, the parties are directed (through their respective counsel) to appear before the Mediation and Conciliation Centre of this Court on 19.04.2024. Put up on 29.04.2024 along with the report of the Mediator. Interim order to continue.”

3. Learned counsel for the petitioner as also learned counsel for the complainant are ad idem that the matter has been amicably settled between the parties on 24.04.2023.

4. Learned State counsel, on instructions from ASI Gurmail Ram, has stated that pursuant to the orders dated 30.09.2022 and 18.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the present petition is allowed and interim orders dated 30.09.2022 and 18.05.2023 passed by this Court are made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

8. A sum of Rs.20,000/- (in cash) has been handed over by the learned counsel for the petitioner to the learned counsel for the complainant in Court. Needless to say that the parties shall remain bound by the terms of settlement and anything observed herein above shall not be construed to be an opinion on the merits of the case.

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 29, 2024
jatin

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