

**CRM-M-45484 of 2023 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****208/101****CRM-M-45484 of 2023 (O&M)
DATE OF DECISION :- 04.09.2024****Gurjaspal Singh****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. M.S. Virk, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Hardeep Singh Saini, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 55 dated 07.07.2023, registered for offences under Sections 406/498-A of the IPC, at Police Station Women Cell, Patiala.

2. On 13.09.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.55 dated 07.07.2023 under Sections 406/498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, Patiala.

Learned counsel for the petitioner would contend that the wife of the petitioner i.e. the complainant herein was having an extra-marital affair and that her friend and she were caught in the house on 18.11.2022. Thereafter the litigation started and the first complaint was given on 07.03.2023. The learned counsel has further contended that in the FIR there are allegations of the petitioner having forced the complainant to



take certain loans for purchase of the house as well as a gold loan. It is contended that the petitioner is willing to return the entire amount which was taken as loan on his asking and that the petitioner is also willing to return all the Istridhan articles which are in his possession.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the respondent-State of Punjab while Mr. Hardeep Singh, Advocate has put in appearance representing the complainant.

List on 01.12.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer.

The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Thereafter on 20.08.2024, the following order was passed:-

“A request dated 14.08.2024 has been received from the Mediation and Conciliation Centre of this Court seeking extension of time.

Learned counsel for the petitioner as also learned counsel for respondent No.2 have jointly submitted that further time be granted for mediation.

Accordingly, the time period earlier granted for mediation is extended.

The parties (through their respective learned counsel) are again directed to appear before the Mediation and Conciliation Centre of this Court on 21.08.2024.

Put up on 04.09.2024 along with the report of Mediator.

Interim order to continue.”



3. Learned counsel for the petitioner has submitted that the matter has since been settled between the parties and terms thereof has been reduced into writing vide settlement agreement dated 03.09.2024. The above said factum is ratified by learned counsel for complainant-respondent No. 2.
4. Learned State counsel, on instructions from ASI Tejinderpal Singh has stated that pursuant to the order dated 13.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. In view of above, the present petition stands allowed and the interim order dated 13.09.2023 passed by this Court is 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. Needless to say that 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

04.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No