

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45894 of 2023

DATE OF DECISION :- 09.01.2024

Kuljinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sarbjit S. Khaira, Advocate for the petitioners.

Mr. Anoop Singh, AAG, Punjab.

Mr. Amit Arora, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 14.09.2023 the following order was passed:-

"The petitioner herein seeks the relief of pre-arrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.0258 dated 17.08.2023 registered at Police Station City Tarn Taran, District Tarn Taran, under Sections 498-A and 406 IPC.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in the criminal case under reference and in fact, he had never ever subjected the complainant-wife to cruelty for bringing insufficient dowry or for demanding more dowry and the allegations, as levelled by the complainant in the subject FIR, are sans any truth/substance and moreover, the petitioner is ready and willing to join in the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared on behalf of both the respondents in this case in pursuance of the copies 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 in the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

At this stage, Mr. Amit Arora, Advocate, has also put in appearance on behalf of the complainant in this case and has submitted his Power of Attorney in the Court today and the same has been placed on the file.

Learned counsel for the petitioner as well as for the complainant jointly request to refer the present matter to the Mediation and Conciliation Centre of this Court to explore the possibility of some amicable settlement of the dispute between the parties.

Accordingly, the petitioner as well as the complainant are directed to appear in the above-said Centre on 30.09.2023 and the Report of the Mediator be awaited for 09.01.2024.

The petitioner shall hand over a Demand Draft worth Rs.15,000/- to the complainant-wife, towards the litigation expenses, on the date of the first appearance of the parties before the Mediator.

Meanwhile, the petitioner shall join in the investigation on 28.09.2023 at 10.00 A.M. sharp and if there need be, even thereafter 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 and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

2. Learned State counsel on instructions from ASI Gurbheg Singh has stated that pursuant to the order dated 14.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Today, Learned State counsel has filed the status report by way of affidavit of Sh. Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran which reads as under :-

“5.That in compliance with order dated 14.09.2023 passed by this Hon’ble Court, the petitioner namely Kuljinder Singh has joined the investigation of the present case on 28.09.2023 and the present case is at the stage of investigation and after completion of investigation, the final report under Section 173(2) of Cr.P.C

will be presented before the learned court of Illaqa Magistrate, Tarn Taran at the earliest.”

3. Further, the report dated 08.01.2024 has been received from the Mediator of Mediation and Conciliation Centre of this Court that the parties have settled their dispute by way of amicable settlement.
4. In view of above, the interim order dated 14.09.2023 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

09.01.2024
P.Singh

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