



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-48247-2023(O&M)
Date of Decision: 16.05.2024

VARINDER KUMAR

....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Dheeraj Mahajan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

None for respondent no.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
89	25.08.2023	Police Station Women Cell, District Police Commissionerate Jalandhar	406 and 498-A of IPC

2. As per office report, respondent No.2 has been duly served but none appeared on her behalf.

3. Vide order dated 22.09.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 22.09.2023 reads as under:-

1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.89 dated 25.08.2023 registered under Sections 406/498-A, IPC at Police



Station Women Cell, District Police Commissionerate Jalandhar.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant/respondent No.2 on 03.03.2017 and a daughter has been born from the wedlock. The mother of the petitioner has also been arraigned as an accused and she has been granted anticipatory bail. The false and vague allegations with regard to demand of dowry has been attributed against the petitioner. There are allegations to the effect that the petitioner was not happy with the birth of the female child. In fact, the petitioner has instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights and also another petition for custody of the minor daughter. Furthermore, the petitioner is ready and willing to amicably settle the dispute through mediation.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

5. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 10.10.2023. 6. To await the report, list on 14.12.2023.

7. However, the petitioner shall pay a sum of Rs.30,000/- to respondent No.2 on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

8. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”



4. Learned State counsel states that the petitioner has joined the investigation on 28.09.2023. No recovery is to be effected from him. He is not required for custodial interrogation. No useful purpose will be served by detaining him in custody.. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 22.09.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

16.05.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |