

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-48042-2023

Date of decision: 08.02.2024

Jeetu Verma @ Jeetu Devi Verma and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manbir Singh Batth, Advocate for the petitioners.

Mr. Hemant Aggarwal, AAG Punjab.

Mr. Davinder Singh Saini, Advocate
for respondent No.2-complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioners in case FIR No.065 dated 19.08.2023, under Sections 406 & 498-A IPC and Section120-B IPC (added later on) registered at Police Station City Morinda, District Rupnagar.

2. On 22.09.2023, the following order was passed:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners in case FIR No.065 dated 19.08.2023 registered under Sections 406/498-A IPC, 1860 (under Section 120-B IPC added later on) at Police Station City Morinda, District Rupnagar.

2. Learned counsel for the petitioners contend that the marriage of petitioner No.2 was solemnized with the complainant on 13.11.2019 and a daughter has been born from the wedlock. The primary allegations against the petitioners are to the effect that they had raised demand of a Creta car. Besides, a sum of Rs.10,00,000/- was transferred in the account of business concern of the father of petitioner No.2 and a sum of Rs.3,00,000/- was paid in cash. The petitioners are ready and willing to

return the said amount of Rs. 10,00,000/- and immediately he will pass on the amount of Rs.5,00,000/-. The balance amount of Rs.5,00,000/- will also be returned in due course. Petitioner No.2 has also instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Furthermore, the petitioners are ready and willing to amicably settle the dispute through mediation.

3. *On the oral request, the complainant, namely, Renu Kumari daughter of Brij Kishore R/o House No. 153, Garden Colony Morinda, Ward No.6, City Morinda, Rupnagar is impleaded as respondent No.2. Registry to make necessary correction in the memo of parties.*

4. *Notice of motion.*

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

6. *Mr. Davinder Singh Saini, Advocate has put in appearance on behalf of the complainant/respondent No.2 and filed power of attorney, which is taken on record. He has sought to justify the correctness of the allegations in the FIR but has submitted that respondent No.2 is not averse to exploring another possibility of amicable settlement through the process of mediation. It has been submitted that the amount of Rs. 10,00,000/- was transferred from the account of the father of the complainant but he has since died and the amount be returned to the complainant.*

7. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 09.10.2023.*

8. *To await the report, list on 12.12.2023*

9. *However, the petitioner shall pay a sum of Rs.30,000/- to the complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.*

10. *Besides, the petitioners shall hand over a demand draft in the sum of Rs.5,00,000/- in the name of the complainant/respondent No.2 during the course of mediation proceedings.*

11. *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 they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

3. Learned State counsel, on instructions from ASI Angrej Singh, has stated that pursuant to the order dated 22.09.2023, the petitioners have joined investigation and are no longer required for custodial interrogation but the recovery is yet to be effected.

4. Learned counsel for the respondent No.2-complainant has argued that the allegations against the petitioners are serious in nature and the dowry articles/*Istri-dhan* are yet to be recovered.

5. Faced with the situation, learned counsel for the petitioners has submitted two cheques of Rs.1.00 lac each so as to show his *bona fide* in handing over the dowry articles/*Istri-dhan* to the complainant. The original cheques have been handed-over to learned counsel for the complainant. Xerox copy of the same be kept on record for future reference. Learned counsel has further submitted that the petitioners have already transmitted a sum of Rs.5.00 lacs to the complainant. The abovesaid remittances are, of course, without prejudice to rival contentions/rights of parties.

6. In view of the above, the interim order dated 22.09.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. 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.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

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stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

9. 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

February 08, 2024
Ajay

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