

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50149 of 2023

DATE OF DECISION :- 23.01.2024

Hitesh Soni

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Animesh Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Ranjit Saini, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 05.10.2023, the following order was passed:-

“Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 284 dated 13.09.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station City, Rajpura, District Patiala.

Learned counsel for the petitioner, inter alia, submits that the petitioner has been falsely implicated in the present case. It is submitted that marriage of the petitioner with the complainant was solemnized on 21.05.2022. No child was born out of the said wedlock. The parties are living separately since 02.06.2023. It is further submitted that the allegations levelled in the FIR are false and fabricated, as the present FIR is a counterblast to the police complaint submitted by the present petitioner against the

complainant on 30.05.2023 on account of the fact that the complainant has failed to disclose that she was earlier married to someone else. The other allegation in the present FIR is only in respect of an Alto Car brought by the complainant at the time of marriage and the petitioner and his family members have no objection whatsoever, if the said car is returned to the complainant. All the other dowry articles have already been returned to the complainant. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Shubham Kaushik, AAG, Punjab, accepts notice on behalf of respondent-State; whereas Mr. Manik Makkar, Advocate, has put in appearance on behalf of the complainant and submits his Vakalatnama, which is taken on record. Learned counsel for the complainant submits that there are chances of an amicable settlement between the parties and prays that the matter may be referred to the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioner on instructions submits that he has no objection in case, the matter is referred for mediation between the parties.

In view of the above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 17.10.2023 at 10:00 A.M.

Adjourned to 18.01.2024, for awaiting report of the Mediator.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is also directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

2. Learned counsel for the complainant has filed a short reply in the Court. The same be taken on record.

3. Learned counsel for the complainant has opposed the grant of anticipatory bail to the petitioner on the ground that the allegations made against the petitioner are serious and the entire dowry articles have not been recovered.

4. Learned State counsel on instructions from ASI Jagdish Kumar has stated that pursuant to the order dated 05.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the interim order dated 05.10.2023 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.

23.01.2024

P.Singh

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No