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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54226-2022 (O&M)

Date of Decision: 24.01.2024

Manav Vinayak

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ajaivir Singh, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Piyush Aggarwal, Advocate
for respondent No.2/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.181 dated 22.09.2022, under Sections 406 and 498-A IPC registered at Police Station Division No.2, Pathankot.

2. On 22.11.2022, the following order was passed:-

Petitioner is seeking anticipatory bail in case bearing FIR No.181 dated 22.09.2022 under Sections 406/498-A IPC, registered at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant/respondent No.2 on 18.09.2021. It was the second marriage of both the parties. There are false and vague allegations levelled in the FIR. The respondent No.2 is residing separate from the petitioner in her parental house since 23.05.2022. Respondent No.2 has also instituted a petition under Protection of Women from Domestic Violence Act. The petitioner is ready and willing to amicably settle the matrimonial dispute.

Notice of motion.

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

The petitioner and the complainant/respondent No.2 are directed to appear before the Mediation and Conciliation Center of this Court on 16.12.2022. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 50,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 16.03.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions from ASI Ramesh Kumar, has stated that pursuant to the order dated 22.11.2022, the petitioner has joined investigation and is no longer required for custodial interrogation. However, partial recovery has been made.

4. Learned counsel for the complainant opposes the petition on the ground that the allegations made against the petitioner are very serious and the entire dowry articles have not yet been recovered.

5. In view of above, the interim order dated 22.11.2022 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 interpreted as 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.

24.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No