

Sr. No.210(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53669-2023
Date of decision: 10th April, 2024

MANDEEP CHOHAN ALIAS GOLDY**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.184 dated 09.09.2023, under Section 498-A IPC, registered at Police Station City Gurdaspur, District Gurdaspur.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The FIR was lodged at the instance of respondent No.2-wife on account of a matrimonial dispute. However, a settlement agreement dated 08.01.2024 has been executed between the petitioner-husband and respondent No.2-wife in the Mediation and Conciliation Centre of this Court. Copy of the said agreement is already on record.
3. Learned counsel for the petitioner submits that the petitioner was granted interim bail as per the order dated 20.10.2023, passed by the co-ordinate Bench of this Court. The relevant portion of the same reads as under:-

“xxxxxxx

*Learned counsel for the petitioner submitted that the petitioner
is the husband of respondent No.2.*

Notice of motion.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab, accepts notice on behalf of the respondent No.1-State.

Mr. Ritesh Pandey, Advocate has appeared on behalf of the complainant. He seeks some time to file his power of attorney and an affidavit. He submitted that in case the matter can be sent to the Mediation and Conciliation Centre of this Court subject to the payment of litigation cost to the complainant, there is a possibility that the matrimonial dispute can be resolved.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/ Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr. P.C.

Both the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 16.11.2023 and report be sent by the Mediator on the next date of hearing.

Litigation expenses of Rs.20,000/- shall be paid to the complainant on or before the first date before the Mediation and Conciliation Centre of this Court.

Adjourned to 26.02.2024.

xxxxxxx"

4. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 20.10.2023, passed by the co-ordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Harjinder Singh, confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required.

6. In view of the reasons recorded in the order dated 20.10.2023 and keeping in view the fact that the petitioner has joined investigation and his

custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 20.10.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

10th April, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>