

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54574-2023 (O&M)
DATE OF DECISION : 12.03.2024

GURPARVESH SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Aayushi Jindal, Advocate for
Mr. Umesh Aggarwal, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Prince Sharma, Advocate for respondent No.2.

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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.130 dated 18.09.2023 under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Jhabal, District Tarn Taran.

2. On 02.11.2023 following order was passed:

“xxxx Learned counsel for the petitioner, at the outset, states that the petitioner is willing to return all the *istridhan* articles which were entrusted to the petitioner and his family members. Learned counsel would further contend that the petitioner is willing to settle the matter.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab, accepts notice on behalf of respondent No.1-State. Mr. Prince Sharma, Advocate appears and files power of attorney on behalf of respondent No.2-complainant. The same is taken on record.

Learned counsel for respondent No.2-complainant states that there is every chance of the petitioner fleeing the country with the lady he is alleged to be in a relationship.

Learned counsel are *ad idem* that the matter be referred to the Mediation and Conciliation Centre of this Court for exploring

the chances of an amicable settlement.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.11.2023 at 10:00 am.

For awaiting report of the Mediator, list on 10.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

Keeping in view the apprehension expressed by the learned counsel for respondent No.2/complainant, the petitioner is directed not to leave the country without prior permission of the Illaqa Magistrate concerned.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 02.11.2023 passed by this Court.

4. Learned State counsel, on instructions from ASI Ram Singh, has also confirmed that the petitioner has joined the investigation in compliance of the aforesaid order and his custodial interrogation is not required.

5. It has been further brought to the notice of this Court that the parties have filed a petition bearing CRM-M-12672-2024 for quashing of the FIR on the basis of compromise.

6. As per the report of the Mediation and Conciliation Center dated 06.01.2024, the settlement agreement has been executed between the parties, as per which both the parties have decided to file a joint petition under Section 13-B of the Hindu Marriage Act.

7. Learned counsel for the petitioner as well as learned counsel for the complainant are *ad idem* that the said joint petition has already been

filed and statement of first motion has been recorded and it is further agreed

between the parties that petitioner would pay a sum of Rs. 11 Lakhs to the complainant-wife on account of permanent alimony and for past, present and future maintenance. Both the parties are ready to comply with the terms and conditions of the agreement and settlement dated 05.01.2024 arrived at between the parties before the Mediation and Conciliation Center of this Court.

8. In view of the above, the present petition is allowed and the order dated 02.11.2023 granting interim bail to the petitioner is made absolute, subject to the condition that parties shall remain bound by the terms and conditions of the settlement agreement dated 05.01.2024. In case, the petitioner does not comply with the said terms and conditions, the complainant and the State would be at liberty to file an application for vacation of this order.

12.03.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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