

CRM-M-54643-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-54643-2023

Date of decision: 06.02.2024

Gurpreet Singh

....Petitioner

V/s

State of Punjab & another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.S. Swaich, Advocate for the petitioner.
Mr. Hemant Aggarwal, AAG Punjab.
Mr. Satvinder Singh, Advocate for
Mr. L.M. Gulati, Advocate for respondent for respondent No.2.

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 petitioner in case FIR No.69 dated 01.10.2023, under Sections 406 & 498-A IPC registered at Police Station Women, District police Commissionerate Ludhiana (Annexure P-1).

2. On 06.11.2023 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.69 dated 01.10.2023 registered under Sections 406/498-A at Women Police Station, District Police Commissionerate Ludhiana.
2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 22.04.2015 and a son and a daughter have been born from the wedlock. At the earlier instance, the complainant had submitted a complaint dated 25.09.2020 (Annexure P-2) to the police authorities. An enquiry in the matter was conducted and the allegations were not found to be substantiated. Furthermore, in view of the amicable settlement, the complainant had made the statement dated 30.09.2021 (Annexure P-6) withdrawing the

complaint. The present FIR has been lodged on the basis of substantially same allegations. The allegations with regard to giving beatings to the complainant while she was on family way are false and there was no damage to the fetus. The petitioner is ready and willing to amicably settle the dispute through mediation.

3. *On the oral request, the complainant, namely, Sheetal Kaur daughter of Bhupinder Singh R/o House No. 5176, Street No.16, Sahibzada Fateh Singh Nagar, Daba Lohara Road, Ludhiana 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 and submits that she has no instructions with regard to the earlier complaints submitted by the complainant and seeks time to get instructions and submit reply in the matter.*

6. *Mr. L.M.Gulati, Advocate has put in appearance on behalf of the complainant/respondent No.2. It has been submitted that the petitioner had backed out from the earlier compromise and is also in arrears of maintenance. Furthermore, the custody of the minor son and a daughter are with the complainant. In pursuance of the amicable settlement which was on the false assurance of the petitioner, the complainant had withdrawn the applications under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act. He has controverted the factual assertions as putforth on behalf of the petitioner. However, it has been fairly submitted that the complainant/respondent No.2 is not averse to exploring another possibility of amicable settlement through the process of mediation.*

7. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 28.11.2023.*

8. *To await the report, list on 05.01.2024.*

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. *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 hey joins the investigation and Comply with other conditions as specified under Section 438(2) Cr.P.C.”*

3. On 15.01.2024, the following order was passed:-
Mr. S.S. Swaich, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.
Pursuant to the order dated 06.11.2023, the petitioner is stated have joined investigation. The parties were also referred to Mediation and Conciliation Centre of this Court wherein efforts were made for reconciliation between the parties. Today, a joint request has been made by learned counsel for the petitioner as also by learned counsel for the complainant that there are chances of reconciliation between the parties.
The matter is once again referred to Mediation and Conciliation Centre of this Court. In view of the joint request, hearing of this case is deferred to 06.02.2024. The respective parties, through their counsel, are directed to appear before Mediation and Conciliation Centre of this Court on 23.01.2024.
Interim order to continue till the next date of hearing.”
4. Learned counsel for the petitioner has argued that the parties have settled their dispute amicably before the Mediation and Conciliation Centre of this Court.
5. Learned counsel for the complainant-respondent No.2 ratifies this stand.
6. Learned State counsel, on instructions from SI Raghuvir Singh, has stated that pursuant to the order dated 06.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
7. In view of the above, the interim order dated 06.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
8. 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.

CRM-M-54643-2023

4

9. 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.
10. 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 06, 2024
Ajay

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