

CRM-17543-2024 IN/&
CRM-M-57222-2022 (O&M) 2024:PHHC: 060159 - 1 -

103+212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-17543-2024 IN/&
CRM-M-57222-2022 (O&M)
DATE OF DECISION : 01.05.2024

VIKASDEEP SINGH @ VICKY ... PETITIONER
V/S
STATE OF PUNJAB & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. BBS Randhawa, Advocate for the petitioner.

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

Mr. Dhawaljeet Dutta, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

CRM-17543-2024

1. Prayer in the present application is for addition of the offence under Section 406 IPC in the heading and prayer clause of the petition.
2. The application is supported with an affidavit as well as copy of the GD No. 09 dated 14.03.2023 (Annexure A-1). As such, the application stands allowed.
3. Registry is directed to make necessary correction in the head note and prayer clause of the petition.
4. The order dated 08.12.2022 granting interim protection to the petitioner shall also be read under Section 406 IPC.

Main case

5. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 104 dated 13.11.2022 under Section 498-A IPC (Section 406 IPC added later on vide

GD No. 09 dated 14.03.2023), registered at Police Station Kalanaur, District Gurdaspur.

6. Learned counsel for the petitioner *inter alia* contends that the petitioner is the husband of the complainant and the petitioner has joined the investigation in compliance of the order passed by this Court and even appeared before the Mediation and Conciliation Center. However, the mediation failed.

7. On 08.12.2022 following order was passed:

“xxxx Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 06.07.2020 and a son, presently aged about 1 year and 4 months has been born from the wedlock. The FIR has been lodged on the basis of the false and vague allegations. The complainant had left the matrimonial house of her own accord leaving the minor son with the petitioner. The petitioner has also instituted a petition for restitution of conjugal rights and is ready and willing to amicably settle the matrimonial dispute.

On the oral request, complainant i.e. Roman d/o Satnam Masih, R/o Village and Post Office Kalanaur, near Gurudwara Baba Banda Singh Bahadur, District Gurdaspur is impleaded as respondent No.2.

Notice of motion.

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

The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 10.01.2023. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 20,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 14.03.2023.

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.”

8. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Randhir Singh, has also confirmed that the petitioner has joined investigation in compliance of order dated 08.12.2022. She, however, submits that recovery of certain articles is not effected.

9. The petitioner has joined the investigation; he has not violated any terms and conditions of interim order and has also joined the mediation proceedings. There is no apprehension of absconding the petitioner. The allegations of the complainant and counter-allegations of the petitioner are matter of trial. Non-recovery of complete dowry articles cannot be a ground to disallow the present petition.

10. In view of the reasons recorded in the order dated 08.12.2022 and keeping in view the aforesaid facts, the present petition is allowed and the order dated 08.12.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

01.05.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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