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212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59553-2023 (O&M)
DATE OF DECISION : 25.07.2024

BHUPINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Malkiat Singh, Advocate for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.
Mr. Lokesh Vohra, Advocate for the complainant.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 123 dated 22.07.2023 registered at Police Station Gharinda, District Amritsar, under Sections 406/498-A IPC.

2. On 28.11.2023 following order was passed by this Court:

“xxxx Learned counsel for the petitioner inter alia contents that despite the interim order dated 15.09.2023 was passed by the Additional Sessions Judge, Amritsar, directing the petitioner to join investigation, however, only four days were granted, as such the petitioner could not join investigation. Petitioner is ready to join investigation and also ready for participation in the mediation process.

Keeping in view the aforesaid facts and circumstances, in the opinion of this Court, it is a fit case where the process of mediation should be used for restoring the family relationship.

Notice of motion for mediation process, at this stage for 05.02.2024 subject to the condition that costs of Rs.15,000/- as litigation expenses by way of a demand draft in favour of Sharanjit Kaur-complainant, be deposited by the petitioner in the Registry of this Court, within a period of two weeks from today,



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which shall be handed over to her by the learned Mediator, when she appears before him. Sharanjit Kaur-complainant is impleaded as respondent No.2, Amended Memo of Parties be filed in 10 days and then notice to respondent No.2 be issued.

On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab appears on behalf of the State, accepts notice on behalf of respondent No. 1.

The petitioner and respondent No. 2 would appear before the learned Mediator of the 3Mediation and Conciliation Centre of this Court on 14.12.2023.

Adjourned to 05.02.2024 for awaiting the report of the Mediator.

Till then, arrest of the petitioner shall remain stayed.”

3. Thereafter, on 05.02.2024 following order was passed by this Court:

“xxx Learned State counsel, on instructions from ASI Rasal Singh has informed that remaining accused to the petitioner have already joined the investigation.

Adjourned to 08.04.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

4. As per the report of the Mediation and Conciliation Centre of this Court dated 18.07.2024, there is amicable settlement between the parties and Settlement/Agreement has also been recorded which is duly signed by the parties.

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5. Learned State counsel, on instructions from ASI Balwinder Singh, has confirmed that the petitioner has joined investigation in compliance of the order passed by this Court and further custodial interrogation of the petitioner is not required.

6. In view of the aforesaid facts and the reasons recorded in the orders dated 28.11.2023 and 05.02.2024 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 05.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in 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 also 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. All the pending miscellaneous applications, if any, shall stand disposed of.

25.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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