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212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59601-2023 (O&M)

DATE OF DECISION : 09.05.2024

RAGHUVVEER SHARMA

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vinay Puri, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

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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. .0091 dated 25.10.2023 registered at Police Station Women, District Patiala, under Sections 406/498-A.

2. On 28.11.2023 following order was passed:

“Though there are serious allegations against the petitioner upon which the present FIR was lodged but the learned counsel for the petitioner submits that it’s a family dispute and petitioner is ready to participate in the mediation proceedings and settle down the dispute amicably.

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, be deposited by the petitioner in the Registry of this Court, within a period of two weeks from today, which shall be handed over to respondent No.2 by the learned Mediator, when she appears before him.

On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, accepts notice on behalf of respondent No. 1. Mr. Amit Puri, Advocate who is present in Court, has filed his Vakalatnamaon on behalf of respondent No.2 today in Court which is taken on record.

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



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Adjourned to 05.02.2024 for awaiting the report of the Mediator.

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

3. As per the report of the Mediation and Conciliation Center of this Court, the mediation has failed.

4. On 05.02.2024 following order was passed:

“As per the report of the Mediation and Conciliation Center, mediation has failed.

Learned counsel for the petitioner contends that the petitioner is ready to join the investigation.

Learned State counsel, on instructions from HC Paramjit Singh, has confirmed that no medico-legal examination has been conducted, as such, no report is there.

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. ”

5. Learned State counsel, on instructions from HC Paramjeet Singh, has confirmed that the petitioner has joined the investigation and his custodial interrogation is not required by the Investigating Agency.

6. In view of the aforesaid facts and the reasons recorded in the order 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

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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.

09.05.2024

Janki

(HARPREET KAUR JEEWAN)**JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*