

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024-PHHC-077413



CRM-M-59574-2023 (O&M)
DATE OF DECISION : 29.05.2024

GURJIT SINGH ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Laxman Chaudhary, Advocate for
Mr. Shub Karman, Advocate for respondent No.2.

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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. 0008 dated, 08.01.2023, registered at Police Station Dera Baba Nanak, District Gurdaspur, under Sections 498-A and 406 of the IPC read with Section 34 thereof.

2. On 23.01.2024 following order was passed:

“xxxx Learned counsel for the petitioner inter alia contends that the present FIR was registered at the instance of the wife of the petitioner with false allegations. The marriage was solemnized on 23.11.2014. The petitioner is serving in Indian Army and he has no previous criminal record. Respondent No. 2 had left the matrimonial home and petitioner had filed an application/petition under Section 9 of the Hindu Marriage Act, 1955 which is pending before the learned Family Court, Gurdaspur. The petitioner is having the custody of the minor child who was born out of the said wedlock on

18.08.2016 and at present the child is living with the mother of the petitioner. The petitioner is ready to handover the custody of the minor child to the complainant wife and it was further contended that the same will be handed over to the complainant within 15 days from today. A prayer was also made to refer the matter for mediation.

3. Notice of motion.

4. On advance notice, Ms. Himani Arora, A.A.G., Punjab, appears on behalf of the State and seeks time to file status report.

5. Mr. Manoj Kaushik, Advocate, accepts notice on behalf of respondent No. 2 and has filed his power of attorney in Court today. The same is taken on record.

6. He submits that respondent No. 2-complainant is also willing to settle the matter.

7. Keeping in view the aforesaid facts and circumstances, in the opinion of this Court, it is a fit case for making reference to the mediation.

8. Consequently, the matter is referred to the Mediation and Conciliation Centre of this Court. The petitioner and respondent No. 2 would appear before the Mediation and Conciliation Centre of this Court on 26.02.2024 subject to the payment of costs of ₹40,000/- as litigation expenses to be paid by the petitioner to respondent No. 2. The said payment be made by way of depositing a demand draft in the name of respondent No. 2 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.

9. The petitioner shall also comply with his undertaking regarding handing over the custody of the minor child to respondent No. 2. The said custody of the minor child be handed over to respondent No. 2-complainant by the petitioner within 15 days from today.

10. Adjourned to 29.05.2024 for awaiting the report of the Mediator.

11. In the meanwhile, the petitioner may join the investigation within ten days and in the event of his 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 to any police officer.

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

3. As per the report of the office, the petitioner has not deposited a sum of Rs. 40,000/- as litigation expenses in compliance with the order dated 23.01.2024.

4. Learned State counsel, on instructions from ASI Kulwinder Singh, has also confirmed that the petitioner has not joined investigation despite order dated 23.01.2024.

5. In view of the aforesaid facts and circumstances, the present petition has no merits and same stands dismissed.

6. The order of interim bail granted to the petitioner vide order dated 23.01.2024 stands vacated.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

29.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No