

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-59853-2023 (O&M)
Date of Decision: 03.09.2024

CHAMKAUR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

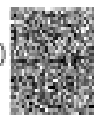
Present:- Mr. M.K. Dhot, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Madhur Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.195 dated 17.10.2023, under Sections 498-A and 406 IPC, 1860, registered at Police Station City Sangrur, District Sangrur.
2. As per order dated 29.11.2023 passed by this Court, the matter was referred to the Mediation and Conciliation Centre of this Court. As per the report dated 04.07.2024 of the Mediator, Mediation and Conciliation Centre of this Court, the parties could not arrive at an amicable settlement.
3. On 11.07.2024, this Court passed the following order and directed the petitioner to join the investigation:



'Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure is for release of the petitioner on anticipatory bail in FIR No.195 dated 17.10.2023 registered at Police Station City Sangrur, District Sangrur under Sections 498-A, 406 of the Indian Penal Code, 1860.

Notice of motion was ordered to be issued on 29.11.2023.

As per the report of the Mediation and Conciliation Centre of this Court, the mediation failed.

Learned counsel for the respondent contends that birth certificates of both the children which are with the petitioner are required for their school education. Apart from this, recovery is yet to be effected.

Adjourned to 03.09.2024.

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 his furnishing bail bonds and surety bonds, 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.

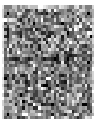
Birth certificate of both children be returned to the complainant through the Investigating Officer.'

4. As per the above-said order, learned counsel for respondent No.2 had contended that birth certificates of both the children were required for their school education, as such the petitioner was directed to hand-over the birth certificates of both the children.

5. Learned counsel for respondent No.2 has informed that birth certificates of both the children have been received.

6. Learned State counsel on instructions from ASI Kulwinder Singh has informed that the petitioner has joined the investigation in terms of the order dated 11.07.2024 passed by this Court. Learned State counsel has further informed that recovery of dowry articles has been effected in terms of recovery memo dated 01.11.2023, 03.11.2023 and 04.11.2023 (Annexures P-2 to P-4).

7. Learned counsel for the petitioner submits that father of the



petitioner has gifted a sum of Rs.1 lakh to respondent No.2 at the time of his retirement from his retirement benefits through his bank account (Annexure P-5).

8. In view of the aforesaid facts and the reasons recorded in the order dated 11.07.2024 and keeping in view the fact that the petitioner has joined the investigation and the allegations and counter-allegations between the petitioner and the complainant are matter of trial, the present petition is allowed and the order dated 11.07.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

9. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03.09.2024
P.Bhatt

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