

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-60450-2023
Date of decision: 11.03.2024

RACHHPAL SINGH KHURMI @ SONU

...PETITIONER

V/s

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arshpreet Khadial, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Manish Verma, Advocate
for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.0168 dated 19.10.2023, registered for the offences punishable under Sections 377, 498-A, 323 of IPC at Police Station City Muktsar, District Sri Muktsar Sahib.

2. On 01.12.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0168 dated 19.10.2023 under Sections 377, 498-A, 323 of the Indian Penal Code, 1860 registered at Police Station City Muktsar, District Sri Muktsar Sahib.

Learned counsel for the petitioner would contend that the injuries received by the complainant are all simple in nature and that the marriage took place about 20 years ago on 07.04.2004 and there has never been any complaint of demand of dowry. The learned counsel would further contend that qua the offence under Section 377 IPC there is no medical to support the same.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Mr. Manish Verma,

Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama.

The marriage of the parties is about 20 years old and there are grown up children involved. Let there be an effort for an amicable resolution of the dispute. The parties shall appear before the Mediation & Conciliation Centre of this Court on 18.12.2023. The petitioner shall bring a bank draft for Rs.30,000/- in the name of the complainant towards litigation expenses which shall be handed over to the complainant before the Mediator on the said date.

To await the report of the Mediator, list on 05.03.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Harnek Singh , has stated that pursuant to the order dated 01.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by arguing that allegation against the petitioner are serious in nature. He ought not be granted the concession of anticipatory bail.

5. In view of above, the present petition is allowed and interim order dated 01.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not

be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

March 11, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No