

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-63690-2023

Date of Decision: 20.02.2024

Jaswant Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. F.S. Bhullar, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 0032 dated 27.04.2023 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Khem Karan, District Tarn Taran.

On 18.12.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.032 dated 27.04.2023, registered under Sections 498-A/406 IPC, 1860 at Police Station KhemKaran, District Tarn Taran.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 21.04.2019 but no child has been born from the wedlock. The FIR has been lodged on the basis of false allegations with regard to demand of motorcycle and other dowry articles. The parents of the petitioner have instituted a suit for permanent injunction against the complainant and her parental family members. Besides, the petitioner has instituted a petition under Section 13 of Hindu Marriage Act

for dissolution of marriage and the FIR has been lodged as a counterblast to the proceedings initiated against the complainant. Furthermore, the petitioner is ready and willing to amicably settle the matrimonial dispute.

3. *On the oral request, the complainant, namely, Sukhwinder Kaur D/o Bhagwan Singh R/o Khankot, Ram Singh Wala, Amritsar now Ward No.4 Khem Karan, Tehsil Patti, District Tarn Taran is impleaded as respondent No.2. Registry to make necessary correction in the memo of parties.*

4. *Notice of motion.*

5. *Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State*

6. *The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 08.01.2024.*

7. *To await the report, list on 20.02.2024.*

8. *However, the petitioner shall pay a sum of Rs.30,000/- to the complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.*

9. *Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

Learned counsel for the petitioner submits that in compliance of the order dated 18.12.2023 passed by this Court, the petitioner has joined the investigation. He further submits that vide aforesaid order, the matter was referred to Mediation and Conciliation Centre of this Court for an amicable settlement between the parties and the parties have successfully settled the matter as is evident from the report of the Mediator dated 07.02.2024.

Learned State counsel, on instructions from ASI Heera Singh, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 18.12.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

20.02.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No