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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12726-2023
Date of decision: 10.02.2025

GAGANDEEP SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Rashika, Advocate for
Mr. Dheeraj Mahajan, Advocate for the petitioner.

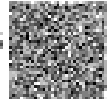
Mr. P. S. Bhandari, AAG, Punjab.

Mr. Rimple Saini, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.28 dated 01.02.2023, under Sections 498-A and 406 of the IPC, registered at Police Station Civil Lines, Batala, Punjab.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where marriage between the petitioner and respondent No.2 took place on 27.10.2019. She further submitted that two daughters were born out of the said wedlock, out of which the elder daughter is staying with the petitioner and the younger daughter is staying with respondent No.2 but a matrimonial discord took place between the parties and the present FIR was lodged on 01.02.2023. She further submitted that notice of motion was issued by this



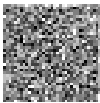
Court on 15.03.2023 and the arrest of the petitioner was stayed, although it was only for the purpose of exploring the possibility of amicable settlement between the parties. She further submitted that thereafter, the matter was also sent to the Mediation and Conciliation Centre of this Court but the mediation failed. She further submitted that again the matter was sent to the Counsellor of the High Court Legal Services Committee for taking few counselling sessions but the same also failed. She further submitted that after the arrest of the petitioner was stayed, the petitioner has joined the investigation and has fully cooperated with the investigation process. He further submitted that all the dowry items have since been returned back to respondent No.2-wife. He also submitted that considering the fact that even the mediation and counselling had failed, the petitioner may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that the arrest of the petitioner was stayed on 15.03.2023 by this Court and thereafter, the petitioner has joined the investigation and has fully cooperated with the investigation process. He has however submitted that the some of the articles have been returned to respondent No.2-wife but some of the gold items have not yet been returned.

4. Learned counsel for respondent No.2 submitted that the petitioner has not returned the *istridhan* to respondent No.2-wife and therefore, the present petition may be dismissed.

5. I have heard the learned counsels for the parties.

6. It is a case where this Court while issuing notice of motion on 15.03.2023 had stayed the arrest of the petitioner, which is about 1 year and 11 months ago. As per the learned State counsel, the petitioner has already joined



the investigation and has fully cooperated with the investigation process but some of the gold items have not been returned to respondent No.2. However, it is the case of the learned counsel appearing on behalf of the petitioner that all the items have been returned to respondent No.2-wife. During the pendency of the present petition, the matter was sent to the Mediation and Conciliation Centre of this Court but the mediation failed and thereafter, again the matter was sent to the Counsellor of the High Court Legal Services Committee for taking few counselling sessions but the same also failed.

7. After hearing the learned counsels for the parties, this Court is of the considered view that keeping in view the stand taken by the learned State counsel that the petitioner has joined the investigation and has fully cooperated with the investigation process and nothing fruitful has come out of the mediation and counselling sessions, the mere fact that some of the gold items, if any, have not been returned to respondent No.2-wife itself cannot become a ground for denial of anticipatory bail to the petitioner.

8. Consequently, the present petition is allowed. It is directed that in case in future the petitioner is required to join the investigation process, then he shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.

(JASGURPREET SINGH PURI)
JUDGE

10.02.2025
Chetan Thakur

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