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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1970/2016**

RUPINDER SINGH KOCHAR

..... Petitioner

Through: Mr. Prabhjit Jauhar & Ms. Ankita
Gupta, Advocates.

versus

STATE

..... Respondent

Through: Mr. Ashish Dutta, APP along with
ASI Tarsem Lal, PS-Kirti Nagar, for
the State.
Mr. Vivek Singh, Advocate for and
along with complainant in person.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
26.09.2016

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Crl. M.A. No.15042-43/2016

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

BAIL APPLN. 1970/2016

Issue notice. Mr. Dutta accepts notice on behalf of the State.

Learned counsel for the complainant along with the complainant are
also present.

I have heard learned counsel for the petitioner as well as the learned

APP and the learned counsel for the complainant.

The petitioner is seeking anticipatory bail apprehending arrest in the case FIR No.87/2016 under Section 498A/ 406/ 34 IPC registered at Police Station – Kirti Nagar.

The submission of learned counsel for the petitioner is that the petitioner and the complainant have been married for 21 years. They have two grown up children, aged 20 years and 17 years. He submits that the petitioner has already joined the investigation, and is even not ready & willing to join the same. Learned counsel submits that the allegations against the petitioner with regard to demand of dowry and retention of istridhan are prima facie not made inasmuch as the petitioner has acquired six properties after marriage, and in four of them, the complainant is a joint owner. She has been deriving rents from some of those properties. Learned counsel further submits that even according to the FIR, the istridhan is allegedly in possession of the mother of the petitioner and not in possession of the petitioner. In any event, anticipatory bail cannot be denied on the ground that istridhan has to be recovered. He has placed reliance on some decisions including the decisions of *Surjit Kaur Chopra Vs. State & Another*, 2007 (98) DRJ 646, and *Gagan Khera Vs. State*, 2005 (1) JCC 206.

Learned counsel further submits that the petitioner is even now ready & willing to join mediation afresh even though the earlier mediation endeavour has failed.

Learned counsel for the complainant submits that the complainant has been subjected to physical violence over the years and she cannot take any more. However, learned counsel submits that the complainant is willing to

explore the possibility of a mediated settlement.

Keeping in view the aforesaid circumstances and the decisions relied upon, the petitioner is entitled to grant of the relief. Accordingly, the petition is allowed. In case of his arrest, the petitioner shall be released on bail upon his furnishing personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the arresting officer. This is subject to the condition that the petitioner shall join the investigation as and when called for. The petitioner shall deposit his passport before the Trial Court and shall not leave the country without prior permission of the Trial Court.

The parties are also directed to appear before the Delhi High Court Mediation & Conciliation Centre on 28.09.2016 at 04:00 p.m. The Centre shall appoint an experienced mediator dealing in matrimonial cases.

Dasti.

VIPIN SANGHI, J

SEPTEMBER 26, 2016

B.S. Rohella