

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.1797 of 2018 (O&M)
Date of Decision: December 03, 2020

Sudesh Sahi

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.L.M.Gulati, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl.A.G.Punjab.

Mr. Maninder Singh Bajwa, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.192 dated 24.11.2017, under Sections 498-A, 420 and 406 IPC, 1860, registered at Police Station, City Patti, District Tarn Taran. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 18.01.2018, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner herein, in the event of arrest, in case FIR No. 0192 dated 24.11.2017, under Sections 498-A, 420 and

406 of the IPC at Police Station City Patti, District Tarn Taran.

Notice of motion.

At this stage, Mr. Maninder Singh Bajwa, Advocate puts in appearance on behalf of respondent No. 2/complainant and files his Vakalatnama.

Counsel for the parties submit that there are chances of amicable settlement between the parties and the matter may be referred to mediation. Parties are also present in Court.

In view of above, parties are directed to appear before Ms. Reeta Kohli, Senior Advocate, Mediator in the Mediation and Conciliation Centre of this Court today itself i.e. 18.01.2018.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned counsel for the complainant has opposed the prayer on the ground that the recovery of some of the gold items is yet to be made. According to him, the custodial interrogation of the petitioner would be necessary for the recovery of the dowry articles.

Learned State counsel, who is assisted by ASI Resham Singh, does not dispute this fact that the petitioner has joined the investigation. He submits that though some of the dowry articles have been recovered, but

few gold ornaments are yet to be recovered.

After hearing the learned counsel for the parties and considering the nature of the case, this Court does not find it to be a fit case for custodial interrogation of the petitioner only for recovery of few gold ornaments. This aspect of the case can otherwise be established by the complainant/prosecution during the course of trial and, therefore, in view of the decision of Hon'ble Supreme Court in **Arnesh Kumar Versus State of Bihar**, (2014) 8 SCC 273, this Court does not find any reason to deny the concession to the petitioner.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 18.01.2018 is made absolute.

December 03, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No