

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CRM-M-15376-2020 (O&M)

Decided on : 21.12.2020

Sikander Bhardwaj

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. A.P.S. Chaudhary, Advocate, for the petitioner(s).

Ms. Monika Jalota, DAG, Punjab
assisted by ASI Satnam Singh.

Mr. Vaibhav Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 37, dated 24.02.2020, under Sections 498-A, 406 IPC, registered at Police Station Matau, District SAS Nagar (Mohali).

Learned counsel for the petitioner states that pursuant to order dated 22nd June, 2020, passed by this Court, the petitioner has joined investigation.

In compliance of the order dated 29th September, 2020, status report by way of an affidavit of Gursher Singh, PPS, DSP, City-1, District SAS, Nagar, has been filed by the State, wherein, it has been stated that the petitioner had joined the investigation and brought along with him certain articles like cycle, sofa-set and washing machine, however, the same were not accepted by the complainant, as they were found to be old and broken and not the same which were given to the petitioner at the time of the marriage.

Learned State counsel on instructions from ASI Satnam Singh, has reiterated the contents of the aforementioned affidavit and submitted that certain jewellery articles had not been returned to the complainant by the petitioner.

Learned counsel appearing on behalf for the complainant has submitted that the petitioner had been coercing the complainant to transfer the money to his account, which found support from the bank statements of the petitioner as well, which clearly reflected the transfer of money by the

complainant to his account.

Learned counsel for the petitioner on the other hand has invited the attention of this Court to the 'statement of account' annexed as Annexure P-4 (in CRM-13965-2020), which reveals that the money had been transferred by the petitioner as well into the account of the complainant on various occasions. It has therefore been submitted by him that it is evident that frivolous and concocted allegations have been levelled by the complainant against the petitioner. He has yet again reiterated that a perusal of the allegations levelled against the petitioner in the FIR in question do not reveal any specific entrustment to him except for Rs. 5100/-, which was given at the time of Roka ceremony and a diamond ring worth Rs. 54,000/-, which was given at the time of ring ceremony. It has been further submitted that the alleged bank transactions could not by any stretch of imagination attract the mischief of Section 498-A IPC, as admittedly, money was transferred to each others account by the petitioner and the complainant on various occasions.

Heard.

The learned State counsel has failed to satisfy this Court *qua* any convincing, much less, cogent reason, which would require custodial interrogation of the petitioner in the instant case. Accordingly, the instant petition is allowed and interim order dated 22nd June, 2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 21, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*