

CRM-M-22219-2020

Date of decision: 15.10.2020

Sandeep Bhatt

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Aryan Sharma, Advocate
for the petitioner.Mr. Vishal Munjal, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the respondent-State.

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State. Copy supplied.

The petitioner/husband-Sandeep Bhatt has come up in this first anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.136 dated 09.07.2020 under Sections 498-A, 406 and 506 of the Indian Penal Code registered at Police Station Division No.2, Pathankot.

The present case was got registered by the estranged wife/complainant-Anjana Pathak. The precise allegations by the wife are that their marriage was solemnized on 07.12.2012 wherein sufficient dowry articles were given on the demand of the accused side and out of this wedlock, a child was born to the couple. It is alleged that the accused/petitioner/husband who was entrusted with the articles of *Istridhan*, has usurped the same and had been treating the complainant with cruelty.

Learned counsel for the petitioner *inter alia* contends that it is after almost 7 ½ years of the marriage, the allegations have come about and has sought to displace the same that it was a personal dispute which has been given a tinge of criminality by making allegations of 406 IPC and that nothing is to be recovered at this belated stage.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds that recovery is yet to be effected.

Be so as it may, it is after more than 7 ½ years of the matrimony, allegations have come about. Thus, a debatable issue arises over the very applicability of offence under Section 406 IPC and it would be travesty of justice to send the petitioner behind the bars. Culpability, if any, would be determined at the time of trial.

Accordingly, the present petition is allowed. The petitioner is directed to appear before the investigating

officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed off accordingly.

15.10.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No