

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

**CRM-M-2200-2022
Date of Decision: 15.09.2022**

GURWINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. J.S.Ghumman, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 83 dated 21.10.2021 under Sections 406, 498-A IPC, registered at Police Station Women, District Patiala.

On 28.02.2022 following order was passed:

“ As per the report received from the Mediator, no amicable settlement could be effected.

Reply by way of affidavit of Mr. Bhupinder Singh Bhullar, Deputy Superintendent of Police, PBI Crime against Women and Children, Patiala has been taken on record.

It has been pointed out by learned State counsel that the petitioner is yet to join the investigation as his arrest was only stayed.

Adjourned to 23.05.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the marriage of

the petitioner was solemnized with the complainant on 12.11.2017 but no

child has been born from the wedlock. The petitioner has instituted a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The articles of *Istridhan* have been recovered during the course of investigation and the petitioner is not in possession of any other article of *Istridhan*. The bail application of the petitioner has been dismissed by the Court of learned Addl. Sessions Judge primarily on the ground that the car, furniture etc. has not been recovered. However, all the articles including car and furniture items have been recovered during the course of investigation. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Varinder Kumar, has stated that though the petitioner has joined the investigation. The recovery of car, furniture etc. has been effected but 6 Tolas of golden jewellery and 50 Tolas of silver jewellery is yet to be recovered.

On a query, she submits that there is no bill with regard to these articles as the jewellery was prepared from the gold and silver already with the parental family of the complainant.

Learned counsel for the complainant has opposed the bail application on the score that at the earlier instance, a compromise was effected between the parties and the petitioner had undertaken to pay alimony to the tune of Rs. 22 Lakhs but has resiled from the same. However, it has not been disputed that the complainant has instituted a petition under Section 125 Cr.P.C.

The controversy as to whether the petitioner has misappropriated the articles of *Istridhan* will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in

pursuance of the interim directions issued by this Court. In the event, at any point of time, the petitioner had agreed to pay alimony to the tune of Rs. 22 Lakhs to the complainant, this aspect can be considered by the Court which may be seized of the matter with regard to maintenance and alimony as claimed by the complainant.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 28.02.2022 is made absolute.

The petition stands allowed.

15.09.2022

Janki

(VIVEK PURI)
JUDGE

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