

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1992-2020
Date of Decision: 24.08.2022

TARUN BHARDWAJ ... PETITIONER
V/S
STATE OF PUNJAB & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tejinderbir Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. K.S.Dhillon, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.
376 dated 31.12.2019 under Sections 406, 498-A IPC, registered at Police
Station City Kapurthala, District Kapurthala.

On 17.02.2022, following order was passed:

“As per the report received from the Mediator, there are some chances of amicable settlement and a request for extension of time has been made.

Learned State counsel has pointed out that in the instant case the arrest of the petitioner has been stayed and he is yet to join the investigation.

Parties are again directed to appear before the Mediation and Conciliation Centre of this Court on 15.03.2022.

Report be awaited for 12.05.2022.

Learned counsel for the complainant states that there is an apprehension that the petitioner may go abroad. However, in all his fairness, learned counsel for the petitioner has stated that the petitioner has no intention of going abroad at least till the next date of hearing.

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 FIR has

been registered on the basis of false and vague allegations. The controversy has cropped up as the complainant could not get the requisite bands in IELTS as she intended to go abroad. She has also initiated proceedings as per the provisions under Protection of Women from Domestic Violence Act. The petitioner has returned all the articles of *istridhan* including her gold jewellery. The matter could not be settled through mediation. Furthermore, the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions from ASI Harprasad, has stated that the petitioner has joined the investigation and his custodial interrogation is not required. However, learned counsel for the complainant submits that some articles of gold jewellery are yet to be recovered.

The controversy as to whether the articles of *istridhan* including the gold jewellery were entrusted to the petitioner and he has misappropriated the same, will be a debatable and moot point during the course of trial.

The petitioner has joined the investigation and his custodial interrogation is not required. In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 17.02.2022 is made absolute.

The petition stands allowed.

24.08.2022

Janki

(VIVEK PURI)
JUDGE

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