

CRM-M-4146-2021

Date of Decision: 18.04.2022

HARKAMALPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Rajdeep Singh Chugh, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No.79 dated 18.12.2020 under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Ludhiana.

On 29.01.2021, following order was passed:-

“Case taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case on account of marital discord between the petitioner and respondent No.2-complainant; the petitioner and the complainant got married on 02.03.2014 and the present FIR was lodged after an unexplained delay of over six years; the allegations in the FIR are apparently false as no motorcar was demanded by the petitioner; in fact a car was purchased by the petitioner for the complainant for which he took a loan and repaid the same through his bank account; the allegations with regard to salary of the complainant being usurped by the petitioner are also incorrect as the complainant only worked as a teacher for about 1½ years and during this period some amounts were transferred from her account to the petitioner's and vice versa like it happens in the case of married couple; there is no other criminal case against the petitioner; petitioner is ready and willing to finally settle the marital discord between the petitioner and the complainant and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab, and Mr. Rajdeep Singh, Advocate, accept notice on behalf of respondents No.1 and respondent No.2, respectively.

For arguments, adjourned to 5.4.2021.

Before the adjourned date the State shall file a status report.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C., in the event of his arrest in FIR No.79 dated 18.12.2020 under Sections 406/498-A IPC registered at Police Station Women Cell, Ludhiana, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and furthermore, the articles of *istridhan* have been taken back by the complainant.

Learned State counsel, on instructions from ASI Vipin Kumar, states that the petitioner has joined the investigation in pursuance of interim directions issued by this Court. The recovery of some of the articles of *istridhan* have been effected but some more recoveries are required to be effected as per the version of the complainant.

The petitioner has joined the investigation in pursuance of interim directions issued by this Court. Some of the recoveries have been effected. Moreover, the fact as to whether any other article of *istridhan* was entrusted to the petitioner and he has dishonestly retained the same will be a debatable and moot point during the course of trial.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 29.01.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

18.04.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No