

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

CRM-M-6691-2022

Date of Decision: 18.07.2022

ISHMINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Gurpal Kaur Daulat, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, AAG, Punjab.
Mr. S.P.S.Mann, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

On 17.02.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case FIR No. 0004, dated 06.01.2022, under Sections 498-A, 406 of IPC, registered at P.S. Women, Police Commissionerate Ludhiana (annexed as Annexure P-1).

Learned counsel for the petitioner while drawing the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, submits that totally vague and fabricated allegations have been levelled against the petitioner by his wife i.e. the complainant and it is very evident that she has tried to implicate her entire in-laws family by attributing some role or the other to them. Learned counsel further submits that even qua the allegations levelled in the FIR that the complainant had been subjected to physical assault, as a result of which, she had received injuries on her abdomen, was not supported by any medical evidence. Further submits that no doubt the complainant had indeed been admitted in the Fortis Hospital at Ludhiana, however, it was for some gastric problem.

Notice of motion for 18.07.2022.

Mr. Bhupender Beniwal, AAG, Punjab, who is present in Court accepts notice on behalf the respondent (State).

Mr. SPS Sidhu, Advocate, has put in appearance on behalf of the complainant and filed his power of attorney. Same is taken on record, subject to all just exceptions.

Learned counsel for the petitioner undertakes to supply the requisite copies of the complete paper book to the learned State counsel as well as learned counsel for the complainant during the course of the day.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and

when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, the entire articles of *istridhan* have been recovered during the pendency of the application for bail under Section 438 Cr.P.C. instituted by the parents of the petitioner before the Court of Session. The recovery has been effected in the presence of the complainant herself.

Learned State counsel, on instructions from ASI Roop Singh, has stated that the petitioner has joined the investigation and his custodial interrogation is not required. However, it has been stated that golden jewellery weighing 15 tolas is yet to be recovered.

The petitioner has joined the investigation in pursuance of interim directions issued by this Court. Moreover, the fact as to whether any such golden jewellery was entrusted to the petitioner and the same has been misappropriated by him 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 17.02.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

18.07.2022
smriti

(VIVEK PURI)
JUDGE

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