

CRM-M-6626-2022

Date of decision: 13.09.2022

NARINDER KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Anita Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Anamika Mehra, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

On 17.02.2022, the following order was passed:-

"Petitioner is seeking anticipatory bail in case bearing FIR No. 28 dated 25.01.2022 under Sections 498-A, 406 IPC, registered at Police Station Dera Bassi, SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 25.01.2015. At the earlier instance, the petitioner had submitted two applications, Annexure P-4 and P-5 to the Police authorities levelling allegations against the complainant and her parental family members. The present FIR has been lodged as a counter-blast to the said applications. Furthermore, all the jewellery items are with the complainant.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG Punjab accepts notice on behalf of the State.

Adjourned to 09.05.2022.

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 at the earlier instance,

the petitioner had submitted another petition bearing CRM-M-6813-2022 during the

pendency of the present petition. However, the same was ordered to be withdrawn subject to payment of Rs.10,000/- with the High Court Lawyers Welfare Fund. The same has been deposited on 05.09.2022. Initially, the petitioner was granted interim protection in terms of order dated 13.07.2022 and the said order was vacated as another petition was also instituted. However, the petitioner has joined the investigation in terms of order dated 17.02.2022 and is not in possession of any article of *Istri Dhan*.

On instructions from HC Balbir Singh, learned State counsel submits that the petitioner has joined the investigation, his custodial interrogation is not required.

Learned counsel for the complainant has opposed the bail application on the score that the recovery of articles of *Istri Dhan* is yet to be effected. Moreover, the interim protection granted to the petitioner was withdrawn but despite that, his arrest has not been effected.

Although, the interim protection was vacated in terms of order dated 13.07.2021 as the petitioner had instituted another petition by concealing the fact of pendency of the present petition but the other petition has been dismissed as withdrawn, subject to payment of Rs.10,000/- as costs with the High Court Lawyers Welfare Fund. The amount of costs has been deposited. The other petition has been allowed to be dismissed as withdrawn and the costs imposed upon the petitioner have been paid.

In such circumstances, there cannot be any bar to proceed with the matter in the present case and adjudicate the claim on merits. Moreover, the petitioner had already joined the investigation prior to the date on which the interim order was vacated. Furthermore, the controversy as to whether the articles of *Istri Dhan* were entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the

exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

In view of the aforesaid submissions, the order dated 17.02.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

13.09.2022
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(VIVEK PURI)
JUDGE

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