

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6357-2020
Date of Decision: 21.10.2022

SAHIL NANDA

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gourav Goel, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. T.K.Gupta, Advocate for
Ms. Puja Chopra, Advocate for the complainant/
respondent No.2..

* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 197 dated 07.12.2018 under Sections 406, 498-A, 323, 506, 34 IPC, registered at Police Station Division No.03, District Police Commissionerate, Ludhiana.

On 02.03.2022, following order was passed:

“Learned counsel for the complainant submits that the petitioner had not paid the remaining amount of Rs.10,000/- out of Rs.20,000/-, which had been fixed as litigation expenses by this Court.

Learned counsel for the petitioner undertakes to pay the remaining amount of Rs.10,000/- to the complainant within one week from today.

Adjourned to 21.07.2022.

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 marriage of the petitioner was solemnized with the complainant on 03.12.2016 and a daughter has been born from the wedlock who is in the custody of the petitioner. The complainant has also instituted a petition under Section 125 Cr.P.C. and a complaint under Protection of Women from Domestic Violence Act. Efforts were made to amicably settle the dispute through mediation but no amicable settlement could be effected. Furthermore, the petitioner is not in possession of any article of *istridhan* of the complainant. The amount of Rs. 20,000/- which was required to be paid to the complainant when she appears before Mediation and Conciliation Center has also been paid. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Kahr Singh submits that the petitioner has joined the investigation and his custodial interrogation is not required. However, it has been submitted that some articles of golden jewellery are yet to be recovered.

On a query, it has been submitted that only a list of such articles has been furnished without any bills thereof.

The controversy as to whether any articles of *Istridhan* were entrusted to the petitioner and has been misappropriated by him 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 these set of circumstances, sufficient exceptional

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

petitioner. The order dated 02.03.2022 is made absolute.

The petition stands allowed.

21.10.2022

Janki

(VIVEK PURI)
JUDGE

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