

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8943-2022
Date of Decision: 30.11.2022

MUKESH KUMAR ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lalit Goyal, Advocate for
Mr. Navreet Dhaliwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. G.S.Saini, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 03.03.2022 following order was passed:

“Petitioner is seeking the concession of anticipatory bail in FIR No. 49 dated 23.12.2021 under Sections 498-A, 406, 34 IPC registered at Women Police Station, District Bathinda.

Learned counsel *inter alia* contends that the marriage between the parties ran into rough weather as the wife of the petitioner was unable to settle in her matrimonial home, particularly with his parents.

Notice of motion for 02.08.2022.

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.PC.”

As per the report of Mediator, the mediation remained

unsuccessful.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and is not in possession of any articles of *istridhan*.

On 02.08.2022, learned State counsel, on instructions from ASI Sukhwinder Singh, had also submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

However, on the request of learned counsel for the complainant/respondent No.2, the matter was referred to Mediation and Conciliation Center for amicable settlement but it has remained unsuccessful.

Learned counsel for the complainant has opposed the bail application on the score that 7 tolas of golden jewellery is yet to be recovered.

The controversy as to whether the petitioner has misappropriated the articles of Istridhan 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 and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.03.2022 is made absolute.

The petition stands allowed.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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