

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM-M-10072-2021
Date of decision:- 24.08.2022

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raman Mohinder Sharma, Advocate for the petitioner.

Mr. P.S.Grewal, DAG, Punjab for State-respondent.

Mr. Parvez Chugh, Advocate for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.4 dated 10.01.2021, registered for offence under Sections 406, 498-A, 323 and 34 of the Indian Penal Code, 1860, at Police Station Zira, District Ferozepur, Annexure P-1.

FIR, Annexure P-1, is an off-shoot of a matrimonial dispute.

Vide order dated 14.12.2021, the petitioner was directed to join the investigation and was ordered to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer.

The matter was referred to the Mediation and Conciliation Centre of this Court, but the mediation proceedings could not fructify.

Upon instructions received from ASI, Balwinder Singh, State counsel submits that the petitioner has joined the investigation, though some recovery is yet to be effected from him. Still further, upon instructions he submits that some gold articles were recovered when the in-laws joined the investigation.

Counsel representing the complainant submits that heavy quantity of gold articles were entrusted to the accused, which have to be recovered. This fact has been disputed by counsel for the petitioner.

Having heard counsel for the parties, this Court is of the view that non-recovery of disputed items of dowry cannot be a hindrance in confirming an interim order granting protection to the petitioner.

In view of the above, but without commenting on the merits of the case, present petition is allowed.

Order dated 14.12.2021 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

However, the petitioner will deposit a sum of Rs.2.5 lacs with the Area Magistrate within a period of two months from today. In case, the amount is deposited by him, it will be kept in a Fixed Deposit in a public sector bank for a period of six months with instructions for automatic renewal. The deposited amount along with accrued interest would be paid to the party, who is found entitled to the same, at the time of conclusion of the trial.

It is clarified that in case the amount is not deposited, the petition will be treated to have been dismissed and the State will proceed in accordance with law.

24.08.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No