

211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11427-2022

Date of Decision: 23.08.2022

BHUPINDER PAL SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arunjeet Singh Kakkar, Advocate, for the petitioner.

Mr. Harpreet Singh, Additional A.G.Punjab.

Mr. G.S.Rawat, Advocate for

Mr. Sandeep Arora, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

On 17.03.2022, the following order was passed:-

“Apprehending his arrest in FIR No.2 dated 11.01.2022, registered under Sections 406,498-A,354-A of the IPC, 1860 at Police Station Women Cell, Jalandhar, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia relies upon the order dated 14.3.2022 passed by a co-ordinate Bench of this Court (Annexure P-5) whereby co-accused of the petitioner has been granted interim protection.

Counsel for the petitioner further submits that the present case has arisen out of matrimonial dispute and the marriage is merely ten months old and possibility of amicable settlement can be explored.

Notice of motion.

On the asking of the Court, Mr. Tanvir Joshi, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer.

Needless to state that the petitioner shall join the investigation as and when called. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

At this point of time, Mr. Sandeep Arora, Advocate has joined the proceedings and appears on behalf of respondent No.2 and fairly states that even respondent No.2 is ready for the amicable settlement.

Parties are directed to appear before the Mediation and Conciliation Centre, District Court, Jalandhar on 4.4.2022.

The petitioner shall deposit an amount of Rs.20,000/- as litigation expenses to be paid to the complainant-respondent No.2 on 4.4.2022 before the Mediation and Conciliation Centre, District Court, Jalandhar.

To be heard along with CRM-M-10714-2022 on 18.7.2022.”

Learned counsel for the petitioner contends that vide CRM-M-10714-2022, Charanjit Singh, the father of the petitioner has been granted pre-arrest bail. Furthermore, in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. The allegations with regard to the stalking, chasing etc., as projected on the previous date of hearing by the complainant, have been inquired into by the police and the same have not been substantiated. Furthermore, the complainant had left the matrimonial house alongwith all her ornaments. The petitioner has returned all the articles of *istridhan* and ornaments to the complainant and even the complainant has taken the gold ornaments which were gifted to her by the petitioner and his parental family.

Learned State counsel, on instructions from ASI Lakhwinder Singh, submits that the petitioner has joined the investigation. The allegations with regard to stalking, chasing etc., as projected by the complainant subsequent to the registration of the FIR, have been probed but the same have not been substantiated. Furthermore, the gold jewellery is yet to be recovered.

Even the learned counsel for the complainant has opposed the bail application on the score that the gold jewellery is to be recovered.

It may be mentioned here that the controversy as to whether the gold jewellery or other articles of *istridhan* 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 investigation. The allegations with regard to stalking, chasing etc., as projected by the complainant subsequent to the registration of the FIR, have not been found to be substantiated .

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 17.03.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

23.08.2022
smriti

(VIVEK PURI)
JUDGE

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