

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13476-2022
Date of Decision: 09.08.2022

SATINDER SINGH @ GAGU ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Daman Jeet Bhoriwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. R.S.Chauhan, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

On 31.03.2022, following order was passed:

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No.330 dated 22.11.2021 under Sections 498-A and 406 IPC, registered at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 07.07.2018. Even at the earlier instance, the matrimonial dispute has cropped up between the parties but the same has been amicably settled. The petitioner has instituted a petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights and the FIR has been lodged as a counter blast. Furthermore, the petitioner is ready and willing to amicably settled the dispute.

Notice of motion.

Mr. A.A.Pathak, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State and Mr. R.S.Chauhan, Advocate, also accepts notice on behalf of respondent No.2.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 27.04.2022.

It is further directed that the petitioner shall pay a sum of Rs.20,000/- to respondent No.2 on her appearance before the Mediator to facilitate her presence and participation in the mediation proceedings.

The report be awaited for 09.08.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as

envisaged under Section 438 (2) of Code of Criminal Procedure.”

As per the report received from the Mediator, the compromise in the mediation proceedings could not be effected despite efforts.

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and he is not in possession of any articles of *Istridhan*.

Learned State counsel, on instructions of ASI Har Prasad submits that though the petitioner has joined the investigation but some recoveries are yet to be effected.

On a query, it has been conceded that the complainant has only provided a list of articles of *istridhan* without any bills etc.

Be that as it may, the petitioner has joined the investigation in pursuance of the interim directions issued by the Court. The controversy as to whether any articles of *istridhan* were entrusted and have been misappropriated by the petitioner will be a debatable and moot point during the course of trial.

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 31.03.2022 is made absolute.

The petition stands allowed.

09.08.2022

Janki

(VIVEK PURI)
JUDGE

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