

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

**CRM-M-13497 of 2022 (O&M)
Date of decision : 08.08.2022**

Suresh Kumar Chauhan

.....Petitioner

VERSUS

State of Punjab & Anr.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Sukhvir Gill, Advocate, for
Mr. M. S. Kathuria, Advocate, for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

VIVEK PURI, J. (Oral)

Present petition is under Section 438 Cr.P.C., for seeking anticipatory bail to the petitioner in case FIR No.137 dated 19.11.2021, registered under Sections 406/498-A IPC, 1860 at Women Police Station Ludhiana, District Ludhiana.

On 31.03.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 137 dated 19.11.2021, registered under Sections 406/498-A IPC, 1860 at Women Police Station Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 06.05.2017 and a daughter who is presently aged about 2 ½ years was born from the wedlock. The minor daughter is in custody of the petitioner. In the FIR, the allegations were spelt out against the petitioner and five other family members. However, all the family members have been exonerated during investigation. The petitioner is ready and willing to amicably settle the matrimonial dispute.

On the oral request of the learned counsel for the

petitioner, the complainant i.e. Kajal d/o Kanhiya Lal r/o House No. 352, Street No.12, Prem Nagar, Islamganj, Ludhiana is impleaded as respondent No.2.

Notice of motion.

Mr. A.A.Pathak, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 28.04.2022.

To await the report, list again on 08.08.2022.

However, the petitioner shall pay a sum of Rs. 20,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate his presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

As per report, the parties could not arrive at an amicable settlement during the course of mediation.

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

On instructions from ASI Sukhwinder Singh, learned State counsel submits that the petitioner has joined the investigation but articles of *istridhan* are yet to be recovered. On a query, it has been submitted that only a list of articles of *istridhan* has been provided by the complainant without any bills.

The controversy as to whether the articles (*istridhan*) were entrusted to the petitioner and the same have 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 interim directions. As such sufficient grounds are made out to extend the concession of anticipatory bail to the petitioner. Consequently, the order dated 31.03.2022 granting interim bail to the petitioner is made absolute.

The petition is allowed.

08.08.2022
anil

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>