

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13908-2022
Date of Decision: 13.05.2022

DARSHAN SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Bawa, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. A.G.Khan, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 02.04.2022, following order was passed:

“Through instant petition, the petitioners are seeking anticipatory bail in case bearing FIR No.45 dated 03.02.2022 under Sections 498-A, 406 and 323 IPC, registered at Police Station Dera Bassi, District SAS Nagar.

Learned counsel for the petitioners contend that the petitioners are parents-in-law of the complainant. Initially, the FIR was registered only against Palwinder Singh, the son of the petitioners. However, subsequently, the petitioners are also sought to be arraigned as accused. The marriage of the complainant with the son of the petitioners was solemnized on 24.01.2010. The petitioners have disowned the complainant and their son by issuing public notice in the newspaper as back as in the year 2016. Furthermore, the petitioners have instituted a suit for permanent injunction against the complainant, their son and others wherein the stay order has been issued in their favour.

Notice of motion.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State and Mr. Suresh Kumar, Advocate, also accepts notice on behalf of the complainant.

Adjourned to 13.05.2022.

In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they 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.”

Learned counsel for the petitioners state that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Bhupinder Singh, has stated that though the petitioners have joined the investigation but the recovery of 13 tolas of golden ornaments and some household articles is yet to be effected.

Learned counsel for the petitioners contend that the petitioners are not in possession of any articles of *istridhan* as they have disowned the complainant and their son.

On a query, learned State counsel has not disputed the fact that no bill or document with regard to purchase of gold articles could be procured during the course of investigation. Furthermore, it will be a debatable and moot point during the course of trial as to whether any articles of *istridhan* were entrusted to the petitioners and they have misappropriated the same.

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 02.04.2022 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

13.05.2022

Janki