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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-25556-2022 in/and
CRM-M-14087-2022
Date of decision: 29.07.2022

HIMANSHU ARORA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Puri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. S.K. Choudhary, Advocate for
Mr. Arvind Kashyap, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

CRM-25556-2022

This is an application for amendment of the head note and prayer clause for addition of the offence under Section 313 IPC. It has been stated that subsequent to the registration of the FIR, the offence under Section 313 I.P.C has also been incorporated.

Accordingly, the amendment of the head note and prayer clause are taken on record.

Disposed of.

Registry to tag the same at the appropriate place.

Main case

On 04.04.2022, the following order was passed:-

“Himanshu Arora-petitioner is seeking anticipatory bail in case bearing FIR No. 147 dated 14.09.2021 under Sections 406/498-A IPC, registered at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner contends that

the marriage of the petitioner was solemnized with the complainant on 09.11.2019 in Delhi. The petitioner is a resident of Ghaziabad and the parents of the complainant are residents of Delhi. The parties neither resided at Pathankot nor the parents of the petitioner ever resided there. Furthermore, the petitioner has instituted a petition under Section 13 of Hindu Marriage Act for dissolution of marriage prior to the submission of the complaint on the basis whereof FIR has been registered. The petitioner is ready and willing to amicably settle the matrimonial dispute.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Mr. Johny, Advocate for Mr. Arvind Kashyap, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.

Learned counsel for both the parties have requested that in order to explore the possibility of amicable settlement, the matter may be referred to Mediation. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 29.04.2022.

The petitioner is also directed to pay a sum of Rs. 30,000/- to the complainant on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

To await the report, list again on 29.07.2022.

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.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and he is not in possession of any article of *Istri Dhan*. Furthermore, the offence under Section

done that the abortion was carried out due to any act attributable to the petitioner. Furthermore, the complainant herself wanted to abort the fetus.

On instructions from ASI Harpreet Singh, learned State counsel submits that though the petitioner has joined the investigation and his custodial interrogation is not required but some recovery of golden jewellery is to be effected. It has been further stated that there is hospital record to indicate that the abortion was carried out on 26.05.2021. However, it has been conceded that there is no hospital record which could indicate that the same was done due to any act or overt act attributable to the petitioner.

The controversy as to whether, the golden jewellery were entrusted and the same has been misappropriated by the petitioner will be debatable and moot point during the course of trial. The petitioner has joined the investigation and his custodial interrogation is not required. Moreover, it will be too early to conclude that the abortion has been carried out on account of any act attributable to the petitioner.

In view of the aforesaid submissions, the order dated 04.04.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

29.07.2022
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(VIVEK PURI)
JUDGE

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