

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15824-2021
Date of Decision: 23.11.2022

ANOOP KUMAR ... PETITIONER
V/S
STATE OF PUNJAB & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Monty Goyal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
None for the complainant/respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

On 08.08.2022 following order was passed in the main case:

“Mr. Neeraj Malhotra, Advocate has put in appearance on behalf of respondent No.2/complainant and filed power of attorney, which is taken on record.

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.31 dated 01.03.2021, registered under Sections 406/498-A IPC, 1860 at Women Police Station, Police Commissionerate, Ludhiana, District Ludhiana.

As per the report received from the Mediation and Conciliation Centre of this Court, the mediation proceedings could not be taken up as the Mediation and Conciliation Centre was closed due to Covid-19 Pandemic.

Learned counsel for the petitioner contends that the marriage of the petitioner with respondent No.2 was solemnized on 23.07.2015. A male child has been born from the wedlock is in the custody of respondent No.2.

Learned State counsel submits that in terms of order dated 09.04.2021, the parties were directed to appear before the Mediation and Conciliation Centre and the arrest of the petitioner was stayed. Consequently, he could not be joined in the investigation.

Learned counsel for respondent No.2/complainant has fairly stated that the complainant is not averse to exploring the possibility of amicable settlement through the process of mediation.

The parties are again directed to appear before the Mediation and Conciliation Centre of this Court on 23.08.2022.

To await the report, list on 23.11.2022.

However, the petitioner shall pay a sum of Rs. 15,000/- as already directed to respondent No.2/complainant on her

appearance before the Mediation and Conciliation Centre of this Court to facilitate her 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. ”

It has been submitted on behalf of the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and he is not in possession of any articles of *istridhan*. Furthermore, during the course of mediation proceedings, the respondent No.2 had not appeared.

Learned State counsel, on instructions from ASI Suresh Kumar, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required. However, recovery of 2/3 tolas of golden jewellery is yet to be effected. None has put in appearance on behalf of respondent No.2.

The controversy as to whether the petitioner has misappropriated the articles of Istridhan will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.08.2022 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

23.11.2022

Janki