

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13866-2019
Date of Decision: 05.08.2022

JASMEET SINGH SAHNI ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vineet Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Rakesh Sobti, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 10 dated 23.02.2019 under Sections 406, 498-A IPC, registered at Police Station Women, Amritsar City, Amritsar.

On 29.05.2019, following order was passed:

“Power of attorney filed on behalf of the respondent Nos.2 and 3 today in the Court, is taken on record.

Learned State Counsel submits that recovery in the case is yet to be effected.

Adjourned to 05.09.2019.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that initially the petitioner was granted interim bail by the Court of learned Addl. Sessions Judge. However, the anticipatory bail application was dismissed by the

Court below on the score that the recovery of one diamond ring, one golden *kara* and one chain was not effected. It has further been stated that the entire articles of *istridhan* which were in possession of the petitioner have been handed over during the course of investigation. The articles have been taken into possession vide recovery memo, Annexure P-14. The said memo also depicts that the golden and silver jewellery items had been recovered.

Learned State counsel, on instructions from ASI Rajak Singh, submits that the petitioner has joined the investigation.

Learned counsel for the complainant has opposed the bail application on the score that the entire articles of *istridhan* have not yet been recovered.

In pursuance of the interim directions, the petitioner has joined the investigation. Some of the recoveries have already been effected. The controversy as to whether any other articles of *istridhan* were entrusted to the petitioner and have been misappropriated by him 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 29.05.2019 is made absolute.

The petition stands allowed.

05.08.2022

Janki

(VIVEK PURI)
JUDGE

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