

CRM-M-19981-2022

Date of decision: 13.09.2022

SWARAN SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramnish Puri, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. R.S.Rana, Advocate (Legal Aid Counsel)
for respondent No.2.

VIVEK PURI, J. (ORAL)

On 11.05.2022, the following order was passed:-

“Through instant petition, the petitioners are seeking anticipatory bail in case bearing FIR No.11 dated 07.04.2022 under Sections 406 and 498-A IPC, registered at Police Station Women Cell, District Amritsar.

Learned counsel for the petitioners contend that petitioners No.1 and 2 are the father-in-law and mother-in-law, respectively of the complainant. The marriage of the son of the petitioners was solemnized with the complainant on 26.01.2020. One gold ring and one pair of topas were entrusted to the petitioners and they are ready and willing to return the same to the complainant. Furthermore, there were allegations with regard to outraging the modesty of the complainant and the same were disbelieved during the course of inquiry. Notice of motion, returnable for 09.08.2022.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

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 contend that in pursuance of interim directions, the petitioners have joined the investigation. The gold ring and the pair of topas have been handed over to the Investigating Officer and the petitioners are not in possession of any article of *Istri Dhan*.

On instructions from ASI Satbir Singh, learned State counsel also states that the petitioners have joined the investigation and their custodial interrogation is not required. It has also been submitted that the petitioners have handed over the gold ring and pair of topas to the Investigating Officer but the complainant has not identified the same to be pertaining to her.

Learned counsel for respondent No.2/complainant has submitted that the aforesaid jewellery of the complainant has been misappropriated by the petitioners and the same is yet to be recovered.

The controversy as to whether the articles of *Istri Dhan* have been misappropriated by the petitioners will be a debatable and moot point during the course of trial. The petitioners have joined the investigation and their custodial interrogation is not required. As such, sufficient exception circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

In view of the aforesaid submissions, the order dated 11.05.2022, granting interim bail to the petitioners is made absolute.

The petition is allowed.

13.09.2022
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(VIVEK PURI)
JUDGE

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