

CRM-M-21353-2022

Date of decision: 25.08.2022

ASHA AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rakesh Sobti, Advocate for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 18.05.2022, the following order was passed:-

"Petitioners are seeking anticipatory bail in case bearing FIR No. 06 dated 08.02.2022 under Sections 494, 406, 498-A IPC, registered at Police Station Women Cell, District Police Commissionerate, Amritsar.

Learned counsel for the petitioners state that petitioner Nos. 1 and 2 are the mother-in-law and father-in-law, respectively of the complainant. At the earlier instance, the petitioners were granted interim bail by the Court below and the bail has been declined to them on the score that recovery of Rs. 4 lakhs, 1 air conditioner and 37.5 gms of gold was not effected. It has been further stated that the complainant and son of the petitioners have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent. The complainant has made a statement at the stage of first motion wherein she has acknowledged the fact that she has received the articles of istridhan and other gifts given at the time of marriage.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab accepts notice on behalf of the State.

Adjourned to 25.08.2022.

Meanwhile, the petitioners shall join the investigation and would come present as and when

called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contend that in pursuance of interim directions, the petitioners have joined the investigation.

On instructions from ASI Gurbhajan Singh, learned State counsel also states that the petitioners have joined the investigation and their custodial interrogation is not required. However, it has been stated that the recovery of some jewellery is to be effected.

It may be mentioned here that in order dated 18.05.2022, it was specifically observed that the complainant in her statement in the proceedings under Section 13-B of Hindu Marriage Act had acknowledged the fact that she had received all the articles of *Istri Dhan* and other gifts given at the time of marriage. The controversy as to whether the articles of *Istri Dhan* were entrusted and 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 exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

In view of the aforesaid submissions, the order dated 18.05.2022, granting interim bail to the petitioners are made absolute.

The petition is allowed.

25.08.2022
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(VIVEK PURI)
JUDGE

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