

CRM-34579-2022 in/and
CRM-M-22303-2022
Date of decision: 21.11.2022

PALVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishnu Dutt, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Jaideep Verma, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)CRM-34579-2022

This is an application for placing on record the Annexures R-1 to R-10.

CRM application is disposed of and Annexures R-1 to R-10 are taken on record, subject to just exceptions.

Registry to tag the same at the appropriate place.

Main case

On 23.05.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.45 dated 03.02.2022 under Sections 498-A, 406, 323 IPC, registered at Police Station Dera Bassi, District SAS Nagar. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 24.01.2010 and two children were born from the wedlock who are in the custody of the complainant. The matrimonial dispute has cropped up after a period of about 12 years and during that period no complaint was submitted by the complainant at any Forum. Furthermore, there are fair chances of amicable settlement between the parties and possibility thereof may be explored through the process of mediation.

On the oral request, complainant i.e. Kamaljeet Kaur d/o Sukhdev Singh, r/o House No.5, Bhagat Singh Nagar, Barwala Road, Dera Bassi, SAS Nagar is impleaded as respondent No.2.

Notice of motion.

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

The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 18.07.2022. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 30,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 14.09.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the 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* of the complainant.

On instructions from ASI Nathi Ram, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant/respondent No.2 has opposed the bail application on the score that the petitioner has raised false allegations in the petition and is still residing with his parents. Furthermore, the offence under Section 420 IPC has also been added in the instant case. The complainant is ready and willing to amicably settle the dispute and even, the recovery of dowry articles has not been effected.

On a query, learned State counsel submits that the offence under Section 420 IPC has not been invoked and even, no bill pertaining to articles of *Istri Dhan* have been passed on to the Investigating Agency.

It may be mentioned here that the matter was referred to the Mediation as the amicable settlement could not be effected. The controversy as to whether the articles of *Istri Dhan* have been misappropriated by the petitioner will be a debatable and moot point during the course of trial. The petitioner has joined the investigation and his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

In view of the aforesaid submissions, the order dated 23.05.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

21.11.2022

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(VIVEK PURI)
JUDGE

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