

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20045-2020
Date of Decision: 09.08.2022

VARUN KUMAR @ VICKY ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gourav Goel, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Munish Puri, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.
122 dated 05.06.2020 under Sections 406, 498-A IPC, registered at Police
Station Division No.2, District Pathankot.

On 29.03.2022, following order was passed:

“Learned State counsel has pointed out that the petitioner is yet to join the investigation. However, in terms of the order dated 05.08.2020, the petitioner was granted interim bail.

It has been stated by learned counsel for the petitioner that in the absence of any such directions to join the investigation, the petitioner could not join the investigation.

Adjourned to 21.07.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he 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 petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and recoveries have also been effected. Efforts were made for

amicable settlement through mediation but the same were unsuccessful. The complainant has instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage and also initiated proceedings under Protection of Women from Domestic Violence Act.

Learned State counsel, on instructions of ASI Sukhdev Raj submits that though some recoveries have been effected but some golden jewellery and motor-cycle are yet to be recovered.

Learned counsel for the complainant contends that motor-cycle has been sold by the petitioner and he has been posting derogatory messages on the social media. However, on a query, it has been fairly conceded that such an action of the petitioner was never brought to the notice of the Investigating agency till date.

Be that as it may, the petitioner has joined the investigation in pursuance of the interim directions issued by the Court. Admittedly, some of the recoveries have been effected. The controversy as to whether any articles of *istridhan* were entrusted and have been misappropriated by the petitioner 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 29.03.2022 is made absolute.

The petition stands allowed.

09.08.2022

Janki

(VIVEK PURI)
JUDGE

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