

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-26762-2021
Date of decision:- 20.07.2022

Sarabjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashish Aggarwal, Advocate for
Mr. Saurav Verma, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab for State-respondent No.1.

Mr. Veneet Sharma, Advocate for the complainant.

...

SUVIR SEHGAL, J. (Oral)

On 13.07.2021, this Court passed the following order:-

“Learned counsel for the petitioner while praying for grant of anticipatory bail to the petitioner in case FIR No.22 dated 31.03.2021 under Sections 406 & 498-A IPC registered at P.S. Women Cell Amritsar, would contend that he has been duped into marrying the complainant who is suffering from Wilson disease and she is on heavy medication and is capable to lead normal life. It is argued that he has already filed a complaint with the SSP, Amritsar Rural, contending that the complainant is suffering from seizures. It is also argued that he is ready to go before the Investigating Officer and hand over whatever the dowry articles he is having in his possession including gold, furniture and other items given at the time of marriage.

Notice of motion for 14.12.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Mr. A.S. Gill, Sr. D.A.G., Punjab, who is appearing through the medium of video conferencing, accepts notice.”

Although the petitioner joined the investigation in deference to the above reproduced order, but entire recovery of dowry articles could not be effected from him and he was directed to re-join the investigation.

On a request made by counsel representing the private parties, the estranged couple was sent to the Mediation and Conciliation Centre of this Court to explore the possibility of settlement and the petitioner was directed to pay Rs.35,000/- by way of expenses to the complainant. The petitioner has paid the said amount, but the parties could not arrive at any settlement.

Upon instructions received from ASI, Dharampal, State counsel submits that even after re-joining, the petitioner has not handed back all the articles. Counsel for the complainant submits that gold ornaments worth more than Rs.3 lacs are lying with the petitioner, which he is deliberately not returning. This fact has been disputed by the counsel for the petitioner.

Without going into these disputed facts, this Court is of the view that the interest of both the sides can be protected by directing the petitioner to deposit a certain amount before the Area Magistrate.

In view of the above, without commenting upon the merits, present petition is allowed and order dated 13.07.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petitioner is directed to deposit an amount of Rs.2 lacs with the Area Magistrate within a period of two months from today. In case, the

amount is deposited, it shall be kept in a Fixed Deposit with a Public Sector Bank for a period of 06 months with instructions for automatic renewal. The deposited amount along with accrued interest shall be paid to the party, who is found entitled to the same on conclusion of the trial. It is clarified that the deposit of the amount by the petitioner shall be without prejudice to his right of defence.

In case, the petitioner fails to deposit the amount within the above mentioned period, this petition shall be treated to have been dismissed and the State will be at liberty to proceed in accordance with law.

20.07.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No