

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-25382-2022 (O&M)

Date of Decision: 30.11.2022

ATINDERPAL SINGH

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Puja Chopra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Sukhtej Singh Sandhu, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 27.07.2022 following order was passed in the main case:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.12 dated 02.04.2022, registered under Sections 406/498-A/420/494/120-B IPC, 1860 at Women Police Station, Patiala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with Jaspreet Kaur in the year 2013 and a child has been born from the wedlock. Initially, the complaint was submitted on 13.09.2021 wherein the only allegation was with regard to solemnizing of second marriage by the petitioner with Rajvir Kaur. The earlier complaint is silent with regard to any maltreatment and harassment given to the complainant at the instance of the petitioner. However, during the course of inquiry, the allegation with regard to the beatings has been attributed. Furthermore, the petitioner is ready and willing to amicably settle the dispute through mediation.

On the oral request of the learned counsel for the petitioner, the complainant i.e. Jaspreet Kaur, daughter of Dalbir Singh, R/o House No. 98, New Yadwindera Colony, Opp Bakesman Biscuits Factory, Patiala is impleaded as respondent No.2 in order to explore the possibility of amicable settlement.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab on behalf of the respondent-State and Mr. Sukhtej Singh Sandhu, Advocate on behalf of respondent No.2/complainant accept notice in the instant case.

Learned counsel for the petitioner as well as respondent No.2 are *ad idem* that the matter may be referred to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 29.08.2022.

To await the report, list on 30.11.2022.

However, the petitioner shall pay a sum of Rs. 30,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

As per the report, the mediation remained unsuccessful.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and is not in possession of any article of *istridhan*. In fact, one motor-cycle has been purchased by the petitioner for a sum of Rs.30,000/- from the maternal uncle of the complainant. The said motor-cycle was received by the maternal uncle of the complainant from a third party as per the settlement in a monetary dispute. Even the Registration Certificate is in the name of the third party and not in the name of the complainant or any member of her parental family.

Learned State counsel has submitted that though the petitioner has joined the investigation but some articles of *istridhan* like motor-cycle, LED, laptop etc. are yet to be recovered.

Learned counsel for the complainant has also opposed the bail application on the same score.

The controversy as to whether the petitioner has misappropriated the articles of Istridhan will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.07.2022 is made absolute.

The petition stands allowed.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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