

CRM-M-25157-2022

Date of decision: 21.11.2022

ARVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhdev Singh Gopera, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Pooja Jaglan, Advocate for

Mr. Mayur Karkra, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

On 02.06.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 24 dated 18.05.2022 under Sections 498-A and 406 IPC, registered at Police Station Women, District Patiala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 18.11.2020. The complainant had been insisting the petitioner to reside separate from his parents in Patiala City. The petitioner had left the matrimonial house and is residing in her parental house since 06.07.2021. The petitioner had joined the enquiry proceedings and the allegations levelled against the father of the petitioner were found to be false. Furthermore, the FIR has been registered on the basis of the false allegations. The petitioner is ready and willing to amicably settle the dispute through the process of mediation.

Notice of motion.

Ms. Bhavna Gupta, DAG 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 29.07.2022. On appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs. 20,000/- to facilitate her presence and participation in the mediation proceedings.

Report of the Mediator be awaited for 13.10.2022.

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. Even, the complainant has not furnished the affidavit regarding recovery of dowry articles.

On instructions from ASI Mander Singh, 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 but recovery of some articles of *Istri Dhan* is yet to be effected. However, it has been further submitted that no bill pertaining to articles of *Istri Dhan* has been submitted to the Investigating Agency.

Learned counsel for the complainant/respondent No.2 has opposed the bail application on the score that the recovery of articles of *Istri Dhan* is yet to 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 02.06.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

21.11.2022

renubala

(VIVEK PURI)
JUDGE

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