

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28356-2021

Date of Decision: 23.05.2022

PRINCE SHARMA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. N.S.Dandiwal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Anil Kumar Garg , Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No. 77 dated 20.06.2021 under Sections 406/498-A and 323 IPC, registered at Police Station Banur, District Patiala.

On 30.11.2021, the following order was passed:-

“As per report received from the Mediation and Conciliation Centre of this Court, the parties have failed to arrive at an amicable settlement.

Learned counsel for the petitioner submits that though the petitioner made a reasonable offer of Rs. 4.00 lakhs to the complainant-wife, but she has refused to accept the same. Further submits that petitioner is willing to join investigation and cooperate with the investigation agency.

Adjourned to 07.02.2022.

Meanwhile, petitioner is directed to join investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that concocted story has been put forth in the FIR and in-fact, the complainant was not willing to stay in her matrimonial house alongwith her parents-in-law. On this count, differences have cropped up between the petitioner and the complainant. The complainant had left the matrimonial house in the absence of the petitioner and had carried the entire jewellery with her.

Learned State counsel, on instructions from ASI Gurjit Singh, has asserted that though the petitioner has joined the investigation, but recovery of 12 *tola* of golden jewellery is yet to be effected.

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

In the instant case, there is contradictory version put forth by both the parties with regard to recovery of jewellery articles. The allegations as to whether any article of *instridhan* was entrusted to the petitioner and misappropriated by him will be a debatable and moot point during the course of trial. In pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 30.11.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

23.05.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No