

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

CRM-M-23986-2020

Date of Decision: 09.12.2022

MANPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Ritesh Pandey, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in the case bearing FIR No. 133 dated 08.07.2020 under Sections 406, 498-A IPC and 120-B IPC registered at Police Station City Gurdaspur, District Gurdaspur.

At the earlier instance, it was directed that no coercive action shall be taken against the petitioner the matter was referred to the Mediation and Conciliation Centre. However, the mediation remained unsuccessful.

On 09.11.2021, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.133 dated 08.07.2020 under Sections 406, 498-A and 120-B of the IPC registered at Police Station City Gurdaspur, District Gurdaspur.

On request of learned counsel for the parties, adjourned to 01.02.2022.

Meanwhile, the petitioner is directed to join the 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 the marriage of the petitioner was solemnized with the complainant on 02.10.2017 but no child has been born from the wedlock. The FIR has been lodged on the basis of false and vague allegations. He further submits that the petitioner is neither in possession of any article of *istridhan* nor any documents/certificate pertaining to the complainant. He further submits that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, there is no allegation with regard to retention of any certificates/documents in the FIR.

Learned State counsel, on instructions from ASI Nirmal Singh, has not disputed the aforesaid factual aspects but submitted that 2½ tolas of golden jewellery is yet to be recovered.

Learned counsel for the complainant has also opposed the bail application on the similar ground and also on the score that documents/certificate of the complainant are in the custody of the petitioner.

Be that as it may, the controversy as to whether 2½ tolas of golden jewellery was entrusted to the petitioner and has been misappropriated by him will be a debatable and moot point during the course of trial. There is no allegation in the FIR to the effect that petitioner has retained the certificates/documents of the complainant. The petitioner has joined the investigation in pursuance of interim directions 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. Accordingly, order dated 09.11.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

09.12.2022
smriti

(VIVEK PURI)
JUDGE

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