

CRM-M-26819-2022

Date of decision: 10.08.2022

RAVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Mr. L.S. Lakhanpal, Advocate has put in appearance on behalf of respondent No.2/complainant and filed Vakalatnama, which is taken on record.

On 20.06.2022, the following order was passed:-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of anticipatory bail to the petitioner in case FIR No. 86 dated 26.04.2022 (Annexure P-1) registered under Sections 406 and 498-A of the IPC at Police Station Women Cell, District Ludhiana.

Learned counsel for the petitioner inter alia contends that the marriage of the petitioner was solemnized with the complainant on 04.03.2018 and that a female child was born out of the said wedlock. He contends that the complainant is in the habit of threatening the petitioner and also beating the petitioner. He contends that as a result of the conduct, there has been a marital discord amongst the parties. Resultantly, a Panchayat was constituted wherein a compromise was effected on 23.08.2020 and it was undertaken by the complainant that she shall not cause any beating to the petitioner and that she will also not extend any threat to kill herself in order to implicate the petitioner and members of his family. She had also undertaken to carry out her matrimonial obligation and responsibilities towards her matrimonial house. However, she back out from the said compromise. Resultantly, a complaint was submitted by the petitioner to the Commissioner of Police, Ludhiana. At the same time, a complaint was also furnished by

Yadwinder Singh, father of the complainant to the Police on 19.10.2020, however, the matter was closed after recording the statement that the parties do not want any further investigation in the matter.

Learned counsel contends that the instant FIR is an abuse of process of law and that there is no misappropriation of any property by the petitioner. He further contends that the incident in question pertains to the year 2020 whereas the FIR has now been registered after a lapse of more than 02 years . He further undertakes that the petitioner is ready and willing to join the investigation as and when required to do so.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 10.08.2022, for further consideration.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation. Furthermore, there is no allegation with regard to entrustment of any article of *Istri Dhan* and misappropriation thereof in the FIR.

On instructions from ASI Meet Ram, learned State counsel submits that the petitioner has joined the investigation. However, it is submitted that 07 tolas of golden jewellery and household articles are to be recovered. It has not been disputed that there is no such allegation with regard to the entrustment of such articles in the FIR. It is submitted that the same have emerged in a supplementary statement of the complainant.

Be that as it may, the controversy, as to whether any articles of *Istri*

by him will be a debatable and moot point during the course of trial, particularly in view of the fact that no such allegation has been spelt out in the FIR. The petitioner has joined the investigation in pursuance of interim directions of this Court.

In view of the aforesaid submissions, the order dated 20.06.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

10.08.2022
renubala

(VIVEK PURI)
JUDGE

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