

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24832-2020 (O&M)

Date of Decision: 20.05.2022

GURMUKH SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mansur Ali, Imran Ali, Tushaar Madan,
Advocates for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.
Mr. H.K.Sammi, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 61 dated 14.07.2020 under Sections 323, 498-A, 406, 506 IPC, registered at Police Station Women, District Ambala.

On 28.08.2020 following order was passed:

“CRM-M-24832-2020

Learned counsel for the petitioner *inter alia* submits that according to the FIR itself, the petitioner left the matrimonial home on 21.02.2019. A compromise was recorded on 03.05.2019 (Annexure P-4) which showed that the petitioner's mother as well as the complainant and her family members had suffered injuries. There is no mention whatsoever of any harassment on account of demand for dowry and the allegations in that regard have been concocted. The FIR is dated 14.07.2020 and is an attempt to arm twist the petitioner. The parties have two minor sons and bone of contention is only that the wife wants to reside separately from the joint family. The Court of Session had granted interim bail to the petitioner where after he joined

investigation but the anticipatory bail application was finally rejected only on the specious ground that recovery had to be effected. The submissions made earlier show that the allegations regarding dowry and harassment on account of the same have been concocted. Moreover, the petitioner is willing to take up a separate accommodation so that he may rehabilitate the complainant.

Notice of motion for 27.11.2020.

Mr. Munish Sharma, AAG Haryana, accepts notice on behalf of the respondent-State and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 10.09.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.

CRM-21137-2020

Notice in the application for the date fixed.”

It has been stated by learned counsel for the petitioner that the matter has not been amicably settled in the mediation. However, the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of HC Salma, submits that the petitioner has joined the investigation and his custodial interrogation is not required. However, learned counsel for the complainant has opposed the bail application on the score that the recovery of articles of *Istridhan* and golden jewellery is yet to be effected and this aspect has been disputed by the petitioner.

The controversy as to whether any articles of *Istridhan* were

entrusted and misappropriated by the petitioner will be a debatable and moot point during the course of trial.

In view of the fact that the petitioner has joined the investigation and his custodial interrogation is not required, the petition is allowed and the interim bail granted by this Court vide order dated 28.08.2020 is made absolute.

The petition stands allowed.

20.05.2022

Janki

(VIVEK PURI)
JUDGE

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