

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29062-2022 (O&M)

Date of Decision: 14.12.2022

ARUN KUMAR

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Sharma Vashishth, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Complainant-in person.

* * * *

VIVEK PURI, J. (ORAL)

On 11.07.2022 following order was passed:

“This is a petition for grant of anticipatory bail to the petitioner in case FIR No. 49 dated 26.02.2022 under Sections 406, 498-A IPC registered at Police Station Women, Ludhiana (Annexure P-1).

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with the complainant-respondent No. 2 on 10th November 2019. During the pendency of the bail application, petitioner and his parents were granted interim bail by the Court below and the recovery of articles of *istridhan* has been effected. The allegation with regard to termination of pregnancy are not supported with any medical record and the offence under Section 313 Cr.P.C. has not been incorporated. The parents of the petitioner have been granted pre arrest bail. The petitioner is ready and willing to amicably settle the dispute through mediation.

Notice of motion.

Mr. M.S. Nagra, Addl. AG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 18.08.2022.

The report be awaited for 01.11.2022.

In the meanwhile, in the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of

Code of Criminal Procedure.”

As per the report, the mediation remained unsuccessful.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and even all the articles of *istridhan* which were in the possession of the petitioner and his parents have been returned during the course of investigation. At present, the petitioner is not in possession of any article of *istridhan* of the complainant.

Learned State counsel, on instructions from ASI Roop Singh has stated that the petitioner has joined the investigation and custodial interrogation of the petitioner is not required but about 244 gms of jewellery and other articles of *istridhan* are yet to be recovered.

The controversy as to whether the petitioner has misappropriated the articles of Istridhan will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.07.2022 is made absolute.

14.12.2022

Janki

(VIVEK PURI)
JUDGE

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