

LAKHWINDER KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jasraj Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. M.S.Atwal, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 14.01.2022, following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No.77, dated 15.07.2021, under Sections 498-A and 406 of the IPC, registered at Police Station Garhdiwal, District Hoshiarpur.

Reply is taken on record.

In terms of order dated 02.09.2021, the matter was referred to the Mediation and Conciliation Centre of this Court and arrest of the petitioner was stayed. The mediation proceedings have remained unsuccessful and the petitioner is yet to join the investigation.

Learned counsel for the petitioner contends that the allegations with regard to commission of inhuman sex are falsified from the report as the complainant was suffering from constipation and anal fissures, for which she had undergone a surgery.

Adjourned to 26.04.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he 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.”

Learned counsel for the petitioner contends that in pursuance of

the interim directions, the petitioner has joined the investigation. The

parents of the petitioner have been granted anticipatory bail by the Court of learned Sessions Judge, Hoshiarpur in terms of the order dated 26.07.2021 and other relatives of the petitioner were found to be innocent.

Learned State counsel, on instructions of ASI Namdev has not assailed the aforesaid factual aspect of the case and has further stated that the custodial interrogation of the petitioner is not required. However, learned counsel appearing for the complainant has opposed the bail application on the score that recovery of articles of *Istridhan* are yet to be effected.

It will be a debatable and moot point during the course of trial as to whether any articles of *Istridhan* were entrusted, demanded back and dishonestly retained by the petitioner and the co-accused.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 14.01.2022 is made absolute.

The petition stands allowed.

26.04.2022

Janki

**(VIVEK PURI)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*