

CRM-M-30045-2022

Date of decision: 21.11.2022

MOHAMMAD SHAHNAWAJ

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Menka Gupta, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. Dixit Raj Kapoor, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

On 15.07.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR no.29 dated 25.06.2022 under Sections 498-A and 406 IPC, registered at Women Police Station, Patiala, District Patiala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 15.10.2020. On account of Covid-19 Pandemic, the marriage was solemnized in a simple manner and even no articles of dowry were given. Furthermore, the false allegation with regard to demand of cash was raised. Although, there are allegations in the FIR to the effect that the complainant was given beatings by the petitioner and miscarriage took place, but offence under Section 313 IPC has not been added in the instant case. The petitioner is ready and willing to amicably settle the dispute.

On the oral request of learned counsel for the petitioner, complainant-Ruksar, daughter of Rahis D/o Shahnawaj, R/o H.No.31-G, Gobind Nagar, Patiala is impleaded as respondent No.2. Registry is directed to make the necessary addition in the memo of parties.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of the respondent-State and Mr. Dixit Raj Kapoor, Advocate, accepts notice on behalf of the complainant/respondent No.2. that the possibility of amicable settlement through the process of mediation may be explored.

In view of the above, the parties are directed to appear before the Mediation and Conciliation of this Court on 22.08.2022 and on appearance of the complainant before the Mediator, the petitioner shall pay a sum of Rs.30,000/- to facilitate her presence and participation in the mediation proceedings.

Report be awaited for 21.11.2022.

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.”

As per the report of the mediator, the parties could not arrive at an amicable settlement.

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and he is not in possession of any article of *Istri Dhan* of the complainant.

On instructions from ASI Mander Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

However, learned counsel for the complainant have opposed the bail application on the score that though the recovery of furniture has been effected and some more articles of *Istri Dhan* are to be recovered.

The controversy as to whether the articles of *Istri Dhan* have been misappropriated by the petitioner will be a debatable and moot point during the course of trial. The petitioner has joined the investigation 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.

In view of the aforesaid submissions, the order dated 15.07.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

21.11.2022

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(VIVEK PURI)
JUDGE

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