

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

**CRM-M-30271-2022
Date of decision: 22.09.2022**

AJAY DUHAN

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Parmod Kumar Chauhan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Mohinder Pal Advocate for respondent No.2.

VIVEK PURI, J. (oral)

On 15.07.2022, following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.275 dated 20.05.2022 under Sections 323/406/498-A/506 and 34 IPC (Section 34 IPC has been deleted) registered at Police Station Civil Lines, Hisar.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant in December, 2014 and a son was born from the wedlock. The matrimonial dispute has cropped up between the parties on the score that the complainant wanted the mother of the petitioner to transfer residential house in her name. The complainant is residing in her parental house since October, 2020 and the child is also in her custody. The petitioner has instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage and the FIR has been lodged as a counter blast thereto. Furthermore, an effort is being made by the Family Court for amicable settlement between the parties and the matter has been referred to Mediation.

Notice of motion.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1-State and Mr. Mohinder Pal, Advocate, also accepts notice on behalf of respondent No.2-complainant.

Adjourned to 22.09.2022.

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 submits that in pursuance of the interim directions the petitioner has joined the investigation and furthermore, while leaving the matrimonial house, respondent No.2 has carried all her jewellery and articles of stridhan with her.

Learned State counsel on instructions from SI- Sulekha, submits that the petitioner has joined the investigation but only two gold rings and a pair of ear rings have been recovered whereas, jewellery weighing about 25 tolas were given at the time of marriage.

Learned counsel for the complainant has also opposed the bail application on the score that 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 in during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 15.07.2022 is made absolute.

The petition stands allowed.

September 22, 2022
Jyoti-IV

(VIVEK PURI)
JUDGE

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