

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

**CRM-M-30386-2022
Date of Decision: 16.11.2022**

DALJEET SINGH

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Inder Preet Singh and Sanpreet Singh, Advocates with
Mr. S.S.Bedi, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 18.07.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 66 dated 04.06.2022 under Sections 406, 498-A IPC, registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner contends that the marriage of the petitioner and the complainant was solemnized on 12.01.2019 and a son has been born from the wedlock. The matrimonial dispute has cropped up between the parties. The complainant along with the minor child is residing separately from the petitioner since 09.12.2021. The allegations in the FIR are to the effect that Honda Amaze car, which has been given at the time of marriage, has been sold by the petitioner but as per his instructions, the same is still in his custody. Furthermore, the allegations with regard to relationship with another lady pertain to the period prior to the marriage.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab accepts notice on behalf of the State.

Mr. S.S.Bedi, Advocate has put in appearance on behalf of the complainant.

Learned counsel for the complainant contends that the petitioner is having extra-marital relationship even after the marriage. However, both learned counsel for the petitioner as well as learned counsel for the complainant are *ad idem* that possibility of amicable settlement through the process of mediation may be explored in this case.

On the oral request, complainant i.e. Karamjeet Kaur d/o Nirmal Singh, r/o Village Chabal, at present r/o Village Chohla Sahib, Tehsil and District Tarn Taran is impleaded as respondent No.2.

The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 22.08.2022. 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 of the Mediator be awaited for 16.11.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

In the instant case, the matter was referred for mediation but as per the report, no amicable settlement could be effected between the parties.

Learned counsel for the petitioner contends that the entire articles of *istridhan* have been handed over to the investigating agency and

the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant has opposed the bail application on the score that 20 tolas of golden jewellery is yet to be recovered.

On a query, learned State counsel submits that only a list of articles has been provided without any bills.

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 18.07.2022 is made absolute.

The petition stands allowed.

16.11.2022

Janki

(VIVEK PURI)
JUDGE

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