

213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30649-2022

Date of Decision: 29.11.2022

HEMANT KUMAR

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Sumit S. Bairagi, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

On 18.07.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 493 dated 02.06.2022 under Sections 406, 498-A, 506 and 34 IPC, registered at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 28.11.2021. The matrimonial dispute had cropped up between the parties. The complainant is residing in her parental house since February, 2022. In the FIR, the allegations were levelled against the petitioner and 5 other family members. All other family members except the petitioner have been found to be innocent. Furthermore, the petitioner has instituted a petition under Section 10 of the Hindu Marriage Act for judicial separation and the FIR has been lodged as a counter-blast to it. The petitioner is ready and willing to amicably settle the matrimonial dispute.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts notice on behalf of the State.

The petitioner and respondent No.2/complainant are directed to appear before the Mediation and Conciliation Center of this Court on 23.08.2022. On appearance of respondent No.2 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 29.11.2022.

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.”

As per the report received from the Mediator, despite best efforts, the parties could not arrived at amicable settlement.

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from HC Jaswinder, submit that the petitioner has joined the investigation and his custodial interrogation is not required but two tolas of golden jewellery is yet to be recovered.

Learned counsel for the complainant has also opposed the bail application on the same score.

On a query, learned State counsel submits that no bill or receipt with regard to golden jewellery has been passed on to the Investigating Agency.

The controversy as to whether two tolas of golden jewellery was entrusted to the petitioner and has been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of interim directions 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. Accordingly, order dated 18.07.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

29.11.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No