

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34696-2021
Date of Decision: 04.04.2022

DHARMINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Cheema, Advocate for the petitioner.

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

Mr. Bikramjit Singh Baath, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.
25 dated 12.03.2021 under Sections 406, 498-A IPC, registered at Police
Station Kalanaur, District Gurdaspur.

On 30.11.2021, following order was passed:

“In terms of order dated 25.08.2021, the matter was referred for mediation, but it has been stated that the mediation was unsuccessful.

Learned counsel for the petitioner-husband contends that a sum of Rs.22,000/- has already been paid to respondent No.2-wife as litigation and travelling expenses. It has been further stated that the petitioner could not join investigation as his arrest was stayed limited only to join the mediation process and there was no direction to join investigation. He further asserts that false allegations of demand of dowry and misappropriation of dowry articles have been levelled. The co-accused i.e. sister-in-law and brother-in-law have been granted pre-arrest bail by the Court of Session.

Adjourned to 16.03.2022.

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 received from the Mediation and Conciliation Center of this Court, no amicable settlement could be effected.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties.

Learned State counsel on the instructions of ASI Sawran Singh 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 for the complainant has opposed the bail application on the score that the jewellery of the complainant is yet to be recovered.

The controversy, as to whether the articles were entrusted or not will be a subject matter of debate and adjudication before the trial Court. 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 30.11.2021 is made absolute.

The petition stands allowed.

04.04.2022

Janki

(VIVEK PURI)
JUDGE

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