

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

202

CRM-M-34860-2021

Date of Decision:29.03.2022

VIJAY MASIH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.156 dated 21.07.2021, registered under Sections 498-A and 406 of IPC, 1860, at Police Station Civil Lines, District Batala, Annexure P-1.

Counsel for the petitioner submits that FIR, Annexure P-1, has been lodged on the basis of false allegations, after the petitioner and the complainant/respondent No.2 could not adjust with each other despite it being their second marriage. He submits that considering the fact that a child was born out of the marriage, this Court directed the parties to appear before the Mediation and Conciliation Centre of this Court. However, the dispute could not be settled. Counsel submits that pursuant to order passed by this Court on 25.11.2021, the petitioner has joined the investigation and is no longer required for custodial interrogation.

Upon instructions from ASI Sukhraj Singh, State counsel has affirmed that the petitioner has joined the investigation. He, however, submits that except for three electronic items, all other recoveries have been effected from the petitioner.

Countering the submission, counsel for the petitioner submits that the alleged left out items are disputed.

Counsel for the complainant submits that there are specific allegations against the petitioner attracting offence under Sections 406 and 498-A of IPC.

Heard counsel for the parties.

In view the judgment of the Supreme Court in **Rajesh Sharma versus State of Uttar Pradesh** (2017) 3 RCR (Criminal) 836 and **Social Action Forum for Manav Adhikar and another versus Union of India, Ministry of Law and Justice and others** (2018) 10 SCC 443, this Court is of the view that the recovery of left out items is a debatable issue and the same cannot be an impediment in confirming the order of interim bail.

In view of the above, the present petition is allowed and the order dated 25.11.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

29.03.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No