

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31661-2020
Date of Decision: 04.08.2022

RAJIV SHARMA ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Munish Puri, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail under Section 438 Cr.P.C
in the case bearing FIR No. 34 dated 19.03.2020, under Sections 498-A, 406
IPC, registered at Police Station Sadar Pathankot, District Pathankot.

On 07.09.2021, following order was passed:

“As per the report received from the Mediation and Reconciliation Centre, Pathankot, the parties have not been able to settle their disputes. As there was no order for permitting the petitioner to join investigation, he is now directed to put in appearance before the Investigating Officer and hand-over the dowry articles.

Adjourned 24.01.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and hand-over the dowry articles and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the marriage of
the petitioner was solemnized with the complainant on 12.10.2018. In

pursuance of the interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, the articles of *Istridhan* which were in possession of the petitioner have already been handed over to the Investigating Officer.

Learned State counsel, on instructions from ASI Surinder Singh, and learned counsel for respondent No.2 submit that the petitioner has joined the investigation. Although, it has not been disputed that some of the articles of *Istridhan* have been recovered but it has been stated that some more articles are yet to be recovered.

Faced with this situation, learned counsel for the petitioner further contends that the petitioner is not in possession of any other articles of *Istridhan*.

The controversy as to whether, the petitioner was entrusted and has misappropriated the articles of *Istridhan* will be a debatable and moot point during the course of trial. Furthermore, the petitioner has joined the investigation in pursuance of the interim directions issued in this case.

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 07.09.2021 is made absolute.

The petition stands allowed.

04.08.2022

Janki

(VIVEK PURI)
JUDGE

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