

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

CRM-M-37983-2021

Date of Decision: 01.08.2022

RAHUL

... PETITIONER

VS.

STATE OF U.T CHANDIGARH

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rohit Mahajan, Advocate, for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P.
for U.T.Chandigarh.

Mr. Bhupinder Gupta, Advocate , for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in case bearing FIR No.51 dated 07.08.2021 under Sections 323/406 and 498-A IPC registered at Police Station Women Cell, Sector-17, Chandigarh.

On 12.01.2022, the following order was passed:-

“The matter has been taken up through video-conferencing due to COVID-19 pandemic.

As per the report, the mediation remained unsuccessful.

In terms of order dated 14.09.2021, the matter was referred for mediation and it was also directed that the arrest of the petitioner shall be stayed to enable him to participate in mediation process. It was further directed that the petitioner shall put in appearance before the Investigating Officer and hand over all the documents and dowry articles which are in his possession.

Learned counsel for the U.T.Chandigarh states that some more recoveries are yet to be effected.

Adjourned to 18.04.2022.

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.”

Learned counsel for the petitioner contends that it was a case of love marriage without any exchange of dowry articles. However, some of the articles of the complainant which were in possession of the petitioner have been got recovered and the same have also been taken on superdari by the complainant. He further submits that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Balbir Singh, has stated that the petitioner has joined the investigation and his custodial interrogation is not required. It has not been disputed that some of the articles that have been recovered have been released on superdari to the complainant. It has been stated that the complainant has provided list of articles of *istridhan* which are yet to be recovered. However, it has been further stated that barring a golden kara and chain, no bill of any article has been produced by the complainant.

Faced with this situation, learned counsel for the petitioner has sought to dispute the fact of any article of *istridhan* being in his possession and has argued that all the articles of *istridhan* have been carried by the complainant alongwith her mother.

The petitioner has joined the investigation in pursuance of interim directions issued by this Court and his custodial interrogation is not required. The controversy as to whether the articles of *istridhan* were entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 12.01.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

01.08.2022
smriti

(VIVEK PURI)
JUDGE

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