

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36274-2022
Date of Decision: 30.11.2022

SANDEEP SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh, Advocate for the petitioner.
Mr. Amit Shukla, AAG Punjab.
Mr. Manu Gupta, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 18.08.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No.108 dated 22.06.2022 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Ludhiana.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 21.02.2021 but no child has been born from the wedlock. The complaint, on the basis whereof FIR has been registered, was submitted against the petitioner and his 5 other relatives. However, all other persons named in the complaint except the petitioner have been found to be innocent. Primarily, the dispute between the parties is to the effect that at the time of marriage it was represented that he was working as a Computer Programmer and later on the complainant came to know that he was working as a Granthi. It has been submitted that earlier the petitioner was working as a Computer Programmer but at present he is only working as a Granthi. Furthermore, the petitioner is ready and willing to amicably settle the matrimonial dispute and to return the articles of *Istridhan* that may be in his possession.

On the oral request, complainant i.e. Harpinder Kaur d/o Bawa Singh, r/o House No.1906/292, Street No. 4B, Basant Nagar, Near Gurdwara Ishar Sahib, Baghi Stand, Ludhiana is impleaded as respondent No.2.

Notice of motion.

Mr. H.S.Sullar, DAG Punjab accepts notice on behalf of the State.

Ms. Ekta Sharma, Advocate has put in appearance on behalf of the complainant/respondent No.2. She fairly submits that the complainant is not averse to the possibility of amicable settlement through mediation.

The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 30.08.2022. On appearance of the complainant 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 30.11.2022.

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, the mediation remained unsuccessful.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and furthermore, he is not in possession of any articles of *istridhan* as the complainant carried her entire jewellery when she left the matrimonial house.

Learned State counsel, on instructions from ASI Meetram Singh, has submitted that the petitioner has joined the investigation and about 3½ tolas of golden jewellery have been recovered.

Learned counsel for the complainant has also opposed the bail application on the score that 3½ tolas of golden jewellery is yet to be recovered.

The controversy as to whether the petitioner has misappropriated the articles of *Istridhan* will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in

pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 18.08.2022 is made absolute.

The petition stands allowed.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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