

CRM-M-42934-2021

Date of decision: 13.09.2022

RAVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harsh Chopra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Vikramjeet Singh, Advocate
for respondent No.2/complainant.

VIVEK PURI, J. (ORAL)

On 12.10.2021, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioners in case FIR No.58 dated 03.08.2021 under Sections 406 and 498-A IPC registered at Police Station Singh Bhagawantpura District Rupnagar.

Learned counsel for the petitioner inter alia contends that a perusal of the contents of FIR in question clearly reveals that only vague allegations have been levelled against the petitioner and his parents of subjecting her to physical and mental harassment. He submits that in fact due to outbreak of pandemic, the petitioner, who is resident of Italy, was not able to return to Italy as a result of which it led to some acrimony between the spouses. He further submits that he is still willing to reconcile all his differences with the complainant-wife and would not be averse to the matter being referred to Mediation and Conciliation Centre of this Court for exploring the possibilities of an amicable settlement.

Notice of motion.

Matter is referred to Mediation and Conciliation Centre of this Court for exploring the possibilities of an amicable settlement. Parties are directed to appear before the said Forum on 17.11.2021.

Petitioner shall pay Rs.15,000/- towards litigation expenses to the complainant-wife on her appearance

before the Mediation Centre.

To await the report, adjourned to 01.02.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

As per the report, the mediation was unsuccessful.

Learned counsel for the petitioner has handed over the passport of the complainant to the learned counsel for respondent No.2/complainant in Court today.

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioners have joined the investigation. Furthermore, he is not in possession of any article of *Istri Dhan*.

Learned counsel for respondent No.2/complainant has acknowledged the fact of receipt of the passport and submits that the petitioner has failed to appear in the proceedings under Section 125 Cr.P.C initiated by the complainant. Furthermore, the jewellery of the complainant is yet to be recovered.

On instructions from SI Shubhash Chander, learned State counsel submits that that the petitioner has joined the investigation and his custodial interrogation is not required.

On a query, she further submits that no bill pertaining to the jewellery has been handed over by the complainant during the course of investigation.

In the event, the petitioner has not joined the proceedings under Section 125 Cr.P.C, the appropriate order can be issued by the Court seized of the matter.

entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of interim directions and his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

In view of the aforesaid submissions, the order dated 12.10.2021, granting interim bail to the petitioners are made absolute.

The petition is allowed.

13.09.2022
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(VIVEK PURI)
JUDGE

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