

CRM-M-43783-2021

Date of decision: 29.04.2022

BARINDER PAL SINGH SAGGU

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Onkar Singh Batalvi, Advocate and
Mr. Tarun Aggarwal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. J.S. Grewal, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)

On 01.02.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.90 dated 10.08.2021 under Sections 406, 498-A IPC, registered at Police Station Women, Ludhiana.

Learned counsel for the petitioner contends that the marriage was solemnized in the year 2018 and a son was born from the wedlock in the year 2019. The father of the petitioner is a patient of paralysis and mother is suffering from cancer. On that score, the complainant does not want to reside with the petitioner. Furthermore, the petitioner has already instituted a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and the present FIR has been lodged as a counter-blast to the said petition.

In terms of the order dated October 14, 2021, the matter was referred for amicable settlement through the process of mediation. As per the report received from the Mediation and Conciliation Centre, no amicable settlement has been effected between the parties.

Learned State counsel has pointed out that arrest of the petitioner was stayed and as such, he could

not be joined in the investigation.

Adjourned to 29.04.2022.

Meanwhile, it is directed that 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.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

On instructions from ASI Veena Rani, learned State counsel states that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for respondent No.2 has opposed the bail application on the score that the recovery of golden jewellery is yet to be effected.

It may be mentioned here that the controversy as to whether any golden jewellery was entrusted, demanded back and retained will be a debatable and moot point during the course of trial.

In view of the aforesaid submissions, the order dated 01.02.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

29.04.2022
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(VIVEK PURI)
JUDGE

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