

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40339-2022

Date of Decision: 13.12.2022

BHUPINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Umesh Aggarwal, Advocate, for the petitioner.
Mr. Iqbal Singh Mann, DAG, Punjab.
Mr. Rajesh Tushar, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

On 07.09.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.49 dated 09.08.2022 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Patiala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 06.12.2014. It was second marriage of both the parties. The petitioner is having two sons from the earlier marriage. One of the sons is residing with the petitioner and the other son is in the custody of the first wife. The complainant is also having child from the earlier marriage, who is residing with the first husband. The couple has also been blessed with a daughter on 27.10.2015, who is in the custody of the complainant. The matrimonial dispute has arisen mainly on the score that the complainant wanted to reside separately from the other family members of the petitioner. The petitioner has instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage. He had also submitted a compliant to the police authorities, wherein an amicable settlement was effected between the parties. Thereafter the petitioner and the complainant shifted to the rented accommodation. The allegation with regard to injury on the finger of the complainant pertain to the year 2019 and subsequently, the compromise was effected. The petitioner is ready and willing to amicably settled the dispute with the complainant.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Rajesh Tushar, Advocate, also accepts notice on behalf of complainant/respondent No.2.

Learned counsel for the private parties are *ad idem* that the possibility of amicable settlement through process of mediation may be explored in the instant case.

In view of the above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 13.10.2022

The petitioner shall also pay a sum of Rs.30,000/- to the complainant on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 13.12.2022

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.”

As per the report, the matter could not be settled in the Mediation.

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and is not in possession of any article of *istridhan*.

Learned State counsel, on instructions from ASI Mandeep Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

Learned counsel for the respondent No.2 has submitted that all the articles of *istridhan* are yet to be recovered.

Be that as it may, 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. 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 petitioner. Accordingly, order dated 07.09.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.12.2022
smriti

(VIVEK PURI)
JUDGE

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