

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44294-2021
Date of Decision: 23.11.2022

NAVEEN KUMAR ... PETITIONER
V/S
STATE OF HARYANA & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sauhard Singh, Advocate for the petitioner.

Mr. Karan Garg, AAG Haryana.

Mr. Vikram Singh, Advocate for respondent No. 2.

* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 132 dated 09.10.2020 under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Women, Sirsa.

On 19.10.2021 following order was passed:

“Learned counsel for the petitioner has submitted that in the present case lodging of FIR by the complainant-wife is an abuse of process of law. He has submitted that, in fact, earlier on 19.6.2020, the petitioner had lodged an FIR vide Annexure P-2 wherein various injuries were caused to the petitioner and his father and thereafter, as a counter-blast the complainant had filed a complaint on 24.6.2020 which culminated into closure report and rather again two times complainants were filed with different authorities and all the three times there were closure reports because no truth was found in the same. However, suddenly on 9.10.2020 again the complainant-wife filed a complaint and on the same day the FIR was registered without complying with the procedure as laid down by the Hon'ble Apex Court in a number of judgments. He has submitted that, in fact, when the wife of the petitioner who is the complainant in the FIR, had left the house on 19.6.2020, she had taken away entire istridhan with her.

Notice of motion.

Mr. Deepak Manchanda, Addl. A.G. Haryana, accepts

notice on behalf of the State.

Mr.Bedi has made an oral request for impleading the complainant-wife as a party – respondent No.2 since Mr.Vikram Singh, Advocate, has caused appearance on her behalf through video conference.

In view of aforesaid situation and on the basis of oral request made by the learned counsel for the petitioner, complainant-wife namely Sheetal daughter of Vijay Kumar, presently resident of Gali Prem Tall Wali, Near Balmiki Chowk, Sirsa, Tehsil and District Sirsa, is impleaded as respondent No.2 in the present case.

Mr.Vikram Singh, Advocate, who has appeared on behalf of aforesaid respondent No.2, waives notice.

Both, the learned counsel for the petitioner as well as the learned counsel for the complainant have made a joint request that since it is a matrimonial dispute, the same may be sent to the Mediation and Conciliation Center of this Court so that the same can be settled in an amicable manner.

In view of above, it is directed that the parties i.e. The petitioner and respondent No.2 shall appear before the Mediation and Conciliation Center of this Court on 9.11.2021.

List on 17.2.2022.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C. ”

Learned Senior counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court, the recovery of articles of *istridhan* which were in possession of the petitioner have already been effected and he is not in possession of any other article of *istridhan*.

Learned State counsel, on instructions from ASI Sushila, submits that the petitioner has joined the investigation. Though recovery of some of the articles has been effected but some more recoveries are required to be effected.

Learned counsel for respondent No.2 has opposed the bail

application on the same score.

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 19.10.2021 is made absolute.

The petition stands allowed.

23.11.2022

Janki

(VIVEK PURI)
JUDGE

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