

CRM-M-40843-2022(O&M)
Date of decision: 16.12.2022

VARINDERJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Ms. Amarjot Kaur, Advocate for
Mr. Vikram Anand, Advocate for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. APS Tung, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

On 08.09.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 33 dated 02.06.2022 for offence under Sections 406, 498-A IPC, registered at Police Station Bholath, District Kapurthala.

Learned counsel appearing for the petitioner contends that the FIR has been lodged by the complainant by levelling vague allegations without any specific instance. The allegations have also been levelled against the parents of the petitioner but his father has been found to be innocent and his mother has been granted pre-arrest bail. Even at the earlier instance, the complainant had submitted a complaint to the police authorities. However, an amicable settlement was effected but the dispute again cropped up between the parties. Learned counsel further submits that the petitioner is ready and willing to amicably settle the dispute with the complainant.

Notice of motion.

Mr. APS Tung, DAG Punjab, accepts notice on behalf of the respondent-State.

On the oral request, complainant i.e. Jaswinder Kaur d/o Nirmal Piara Singh, r/o Village Ratra, at present r/o New Guru Nanak Nagar, Near Musakwed, Kapurthala, is impleaded as respondent No.2. The petitioner and the complainant are directed to appear before the Mediation and Conciliation Center of this Court on 13.10.2022. 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 16.12.2022.

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 of the mediator, the parties could not arrive at an amicable settlement.

Learned counsel appearing on behalf of the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and he is not in possession of any article of *Istri Dhan* of the complainant.

Learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required but recovery of some articles of *Istri Dhan* is yet to be effected.

Learned counsel for the complainant has opposed the bail application on the score that the recovery of articles of *Istri Dhan* is yet to be effected.

The controversy as to whether the articles of *Istri Dhan* have been misappropriated by the petitioner will be a debatable and moot point during the course of trial. The petitioner has joined the investigation 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.

In view of the aforesaid submissions, the order dated 08.09.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

16.12.2022

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(VIVEK PURI)
JUDGE

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