

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35912-2019 (O&M)

Date of Decision: 14.11.2022

JASWINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Jund, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

None for respondent No. 2.

* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.22 dated 06.07.2019 under Sections 406, 498-A IPC registered at Police Station Women Cell, District SAS Nagar .

On 22.11.2019, following order was passed:

“Power of attorney filed on behalf of respondent no.2-complainant, in Court, is taken on record.

Counsel for the petitioner states that during mediation proceedings, the complainant was offered to join the petitioner, but she has not come forward.

At this stage, counsel for the complainant seeks time to take instructions.

Adjourned to 04.02.2020.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.”

Learned counsel for the petitioner contends that the marriage of

the petitioner was solemnized with the complainant on 11.02.2018. The

FIR has been registered on the basis of false and vague allegations. In pursuance of the interim directions issued by this Court, the petitioner has joined the investigation and recovery of articles has been effected. No article of *istridhan* is in the custody of the petitioner.

Learned State counsel has submitted that though the petitioner has joined the investigation but recovery of 4 *tolas* of golden jewellery is yet to be effected. It has also been submitted that there is no other FIR registered against the petitioner.

It may be mentioned here that at the earlier instance the matter was referred to Mediation and Conciliation Center but the mediation remained unsuccessful. For the last two dates of hearing, none is appearing on behalf of respondent No.2. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court. 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 custodial interrogation of the petitioner is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 22.11.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

14.11.2022

Janki

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