

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43622-2020

Date of Decision: 28.07.2022

RAMESH KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Riffi Birla, Advocate
for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

Mr. Ashok Kumar Sama, Advocate
for respondent No.2/complainant.

VIVEK PURI, J.(ORAL)

On 08.02.2022, following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.249 dated 05.11.2020 under Sections 498-A and 406 IPC registered at Police Station City-1 Abohar, District Fazilka.

Report from the Mediation and Conciliation Center to which the parties were referred to, has been received. As per the report despite best efforts, the parties failed to arrive at an amicable settlement.

Learned counsel for the petitioner submits that the FIR in question came to be registered on account of a marital discord between the parties and the allegations therein that the complainant was subjected to physical and mental harassment for not getting dowry as per the expectations of her in-laws family including the petitioner was patently false and without any substance. Learned counsel submits that though earnest efforts were made to amicably resolve all the disputes between the parties, however, they failed to yield any positive result. Learned counsel for the petitioner submits that the petitioner is ready to join investigation and cooperate with the investigating agency.

In the circumstances, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 19.07.2022.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. The recovery of sofa-set, double bed and *almirah* has already

been effected. The parents of the petitioner are not alive. After the marriage, the complainant had retained all her jewellery items with her and carried the same with her when she left the matrimonial house.

Learned State counsel, on instructions from ASI Gurmail Singh, has not disputed the fact that the petitioner has joined the investigation but has opposed the bail application on the score that golden jewellery weighing 8 tolas and certain others house hold articles are yet to be recovered.

On the basis of same allegations, the learned counsel for respondent No.2/complainant has opposed the bail application.

On a query, the learned State counsel as well as counsel for respondent No.2/complainant have very fairly submitted that there is no allegation with regard to the entrustment of jewellery and other articles in the FIR. However, it has been sought to be projected that during the course of investigation, it had emerged that other articles of *istridhan* were also entrusted to the petitioner.

The controversy as to whether the petitioner was entrusted with articles of *istridhan* and have been misappropriated by him 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.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 08.02.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

28.07.2022
smriti

(VIVEK PURI)
JUDGE

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