

CRM-M-43896-2020

Date of decision: 11.02.2022

RAKESH KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Kumar Vashisht, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr Manoj Kumar Sharma, Advocate
for respondent No.2/complainant.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI,J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner namely Rakesh Kumar in case FIR No. 186 dated 27.11.2020, registered under Sections 406/498-A IPC, 1860, at Police Station Bulhowal, District Hoshiarpur.

At the earlier instance, the matter was referred to mediation and the arrest of the petitioner was stayed. However, the matter could not be amicably settled and subsequently, on 23.08.2021, the following order was passed:-

“Vide order dated 04.01.2021, arrest of the petitioner was stayed.

Learned counsel for the petitioner submits that the mediation process has failed.

Adjourned to 11.02.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and hand-over the dowry articles which are in his possession as well as in possession of his family members and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction

of Arresting/ Investigating Officer.

However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the FIR has been registered on the basis of the matrimonial dispute, the petitioner has joined the investigation in pursuance of the interim directions by this Court.

On instructions from ASI Maninder Singh, learned State counsel has not assailed the aforesaid factual aspects and further states that the petitioner has joined the investigation and his custodial interrogation is not required.

Keeping in view the fact that it is a matrimonial dispute, 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 23.08.2021, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

11.02.2022
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(VIVEK PURI)
JUDGE

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