

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-49136 of 2021
Date of decision:09.08.2022

Parwinder Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Birinder Pal, Advocate for
Mr. J.S.Bhandohal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 24.11.2021, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0117 dated 29.09.2021, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Barnala, District Barnala (Annexure P-1).

Counsel for the petitioner submits that the petitioner, who is working as ALM with PSPCL, got married to the complainant-respondent No.2 on 24.01.2018 and one son was born out of the wedlock, however, the complainant left the

matrimonial home in November, 2020 and filed a complaint in April, 2021, on the basis of which, the instant FIR has been registered. He submits that the FIR is counter-blast to the petition filed by the petitioner for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. Counsel submits that there is a possibility of settlement of dispute between the parties and the petitioner is willing to bear the travelling and litigation expenses on behalf of wife-respondent No.2.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the State-respondent No.1. Upon instructions from, SI, Kamaldeep Singh, he submits that Ld. Additional Sessions Judge, Barnala granted interim protection to the co-accused, Gurdas Singh and Jasveer Kaur, in-laws of the complainant, who have joined the investigation and the interim protection granted to them has been made absolute vide order dated 12.11.2021 (Annexure P-3). He submits that some dowry articles are yet to be recovered from petitioner.

List on 22.03.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, he shall be admitted to interim

bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Respondent No.2 be served for the date fixed.

Petitioner will pay a sum of Rs.15,000/- to the complainant-respondent No.2 on the day of her appearance before this Court.”

Payment of expenses was made to respondent No.2 on her appearance. By a subsequent order passed on 22.03.2022, parties were referred to the Mediation and Conciliation Centre of this Court. However, the mediation proceedings have failed.

Upon instructions from ASI Paramjit Singh, State counsel submits that petitioner has joined investigation and dowry articles have been recovered. However, cash amount of Rs.8.00 lacs allegedly entrusted to the accused as well as expenses incurred at the time of marriage are yet to be recovered.

This fact has been disputed by counsel for the petitioner.

Heard counsel for the parties.

Non-recovery of dowry articles, which are disputed cannot be an obstacle in confirming the interim bail granted to the petitioner as has been held by Supreme Court in **Rajesh Sharma and others Vs. State of Uttar Pradesh and another (2018) 10 SCC 472** and **Social Action Forum**

for Manav Adhikar and another Vs. Union of India, Ministry of Law and Justice and others (2018) 10 SCC 443.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 24.11.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

August 09, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes