

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49769-2021
Date of Decision: 12.09.2022

GURPREET SINGH AUJLA ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anshul Sharma, Advocate for
Mr. G.S.Madaan, Advocate for the petitioner.
Mr. APS Tung, DAG Punjab.
Mr. Naveen Sharma, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 29.11.2021 following order was passed:

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.34 dated 30.12.2019 under Sections 406, 498-A IPC registered at Police Station N.R.I., Ludhiana.

Learned counsel contends that the FIR in question emanates from a matrimonial dispute between the parties. It has further been contended that subsequent to the registration of the FIR in question, the marriage between the petitioner and his wife i.e. the complainant was dissolved by a decree of divorce. Learned counsel has still further invited the attention of this court to Annexure P6 to urge that in compliance of the interim order passed by the learned trial court the petitioner had joined investigation and handed over all the dowry articles which remained in his possession. However, as the recovery of some dowry articles was not effected, the interim bail granted to him was not made absolute. Learned counsel contends that the petitioner is still willing to join investigation and co-operate with the investigating agency.

Notice of motion.

At this stage, Mr. Vijay Lath, Advocate, has put in appearance on behalf of the complainant/respondent No.2 and filed his Power of Attorney. The same is taken on record.

The parties are *ad idem* that the matter could be referred to the Mediation & Conciliation Centre of this Court for exploring the possibility of an amicable settlement between them.

The petitioner and the complainant/respondent No.2 are directed to appear before the Mediator at Mediation & Conciliation Centre of this court on 13.12.2021.

To await the report of the Mediator, adjourned to

28.03.2022.

Meanwhile, 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.PC.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and he is not in possession of any article of *Istridhan* of the complainant. The recovery has been effected during the period the petitioner was granted the anticipatory bail by the Court below.

Learned State counsel, on instructions from SI Raj Kumar has stated that the petitioner has joined the investigation but recovery of 20 tolas of golden jewellery is yet to be effected.

Learned counsel for the complainant has also opposed the bail application on that score only.

The controversy as to whether the articles of *Istridhan* were entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 29.11.2021 is made absolute.

The petition stands allowed.

12.09.2022

Janki

(VIVEK PURI)
JUDGE