

CRM-M-42005-2019

Date of decision: 18.10.2022

MOHD. RAZIK

...PETITIONER

VERSUS

STATE OF UT CHD

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Anjali Sheoran, Advocate for
Mr. Arjun Sheoran, Advocate for the petitioner.

Mr. Rajeev Anand, Addl. PP, for UT, Chandigarh.

Mr. Aman Sharma, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C in FIR No.90 dated 02.08.2019 under Section 323/406/498-A IPC, Women Police Station, Sector-17, Chandigarh.

On 30.09.2019, the following order was passed:-

“Learned counsel for the petitioner inter alia contends that the petitioner/husband-Mohammad Razik has been hauled up under Section 498-A of the Indian Penal Code and that nothing is to be recovered from the petitioner.

Notice of motion.

Meanwhile, in the event of arrest, the petitioner be released on interim bail to the satisfaction of arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

At this stage, Mr. Chirag Suri, Advocate puts in appearance of his own on behalf of the complainant and filed vakalatnama which is taken on record.

On joint request of both the sides, let the present matter be referred to the Mediation and Conciliation Centre of this Court.

Therefore, the parties along with their respective counsel are directed to appear before the Mediation and Conciliation Centre of this Court on 16.10.2019

Awaiting report, list on 21.01.2020.”

Learned counsel appearing on behalf of the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and he is not in possession of any article of *Istri Dhan* of the complainant.

On instructions from SI Dalbir Singh, learned State counsel also submits that though the, petitioner has joined the investigation and his custodial interrogation is not required but the recovery of some golden ornaments is yet to be effected.

On a query, it has been submitted that only a list of such articles has been furnished and no supporting bills have been submitted by the complainant to the Investigating Agency.

The controversy as to whether the articles of *Istri Dhan* have been misappropriated by the petitioner 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. 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 30.09.2019, granting interim bail to the petitioner is made absolute.

The petition is allowed.

18.10.2022
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(VIVEK PURI)
JUDGE

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