

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53539-2021

Date of Decision: 13.05.2022

SAMRINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Ekta Thakur, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Navin Saini, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

On 22.12.2021, the following order was passed:-

“The petitioner is seeking anticipatory bail in case bearing FIR No.221 dated 04.12.2021 under Sections 498-A and 406 IPC registered at Police Station Phase-1, SAS Nagar.

Learned counsel for the petitioner contends that the marriage between the parties was solemnized as back as on 07.02.2010 and a daughter was born from the wedlock. The matrimonial dispute cropped up between the parties and in the year 2012, the petitioner had filed an application seeking custody of the daughter. Subsequently, the matter was amicably settled and the parties started residing together. Thereafter, the complainant left the matrimonial house. The petitioner instituted another petition seeking custody of the minor child and a petition for dissolution of marriage on the ground of desertion was instituted on 06.04.2021. The present FIR has been lodged subsequent to the divorce proceedings initiated by the petitioner. Even in an inquiry conducted by Superintendent of Police, Headquarters, District Mohali, it has been observed that the allegations levelled in the complaint are not proved.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of the respondent-State. Mr. Devinder Kaushal, Advocate, has put in appearance on behalf of the complainant and filed his vakalatnama.

Adjourned to 30.03.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and all the articles of *istridhan* have been returned back.

Learned State counsel has stated that though the petitioner has joined the investigation, but some articles of jewellery are yet to be recovered. However, it has not been disputed that the other articles of *istridhan* have been recovered.

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

It may be mentioned here that the controversy as to whether the jewellery items were entrusted to the petitioner and have been misappropriated will be a moot point and subject matter of debate during the course of trial.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 22.12.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.05.2022
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(VIVEK PURI)
JUDGE

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