

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-53752-2021

Date of decision: 07.04.2022

Chirag Tandon

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.S.Khurana, Advocate for the petitioner.

Mr. Amandeep Singh Gill, Senior DAG, Punjab.

Mr. M.S.Kathuria, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.127 dated 17.11.2021, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, District Ludhiana (Annexure P-1).

FIR (Annexure P-1) has been lodged by Ruchika (respondent No.2), wife of the petitioner, on account of marital discord. She has levelled allegations of mis-appropriation of dowry articles, harassment, ill-treatment and attempt to kidnap her minor son.

On 18.02.2022, this Court passed the following order in the main case:-

“ By referring to the affidavit dated 07.02.2022, counsel for the petitioner submits that after the status report dated 29.01.2022 was filed by the State, the articles mentioned in

Para 02 of the affidavit have been handed over to the Investigating Officer.

There is a dispute regarding the articles in possession of the petitioner. As per the stand of the State and the complainant, more than 12 tolas of gold articles, besides silver ornaments, are still in the possession of the accused.

Upon instructions received from the petitioner, Mr. P.S. Khurana, Advocate submits that without admitting the allegations, in order to show his bona fide, the petitioner will deposit a sum of Rs.3 lacs with the Illaqa Magistrate within a period of two week's from today.

Let the same be done.

List on 14.03.2022.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date of hearing.

The articles, which the petitioner has handed to the Investigating Officer, be returned to the complainant.”

On 14.03.2022, counsel for the petitioner made a statement that an amount of Rs.3,00,000/- has been deposited with the Area Magistrate in lieu of the articles, which are alleged to be still in the possession of the petitioner. Counsel submits that deposit has been made by the petitioner without admitting the allegations levelled in the FIR. By the same order, the petitioner was directed to join the investigation.

Upon instructions from SI, Vipun Kumar, State counsel submits that the petitioner has joined the investigation and the substantial recoveries

have been effected, but still some recovery is yet to be effected. His arguments have been supported by counsel for the complainant.

Heard counsel for the parties.

Though, some recovery of the alleged dowry articles is yet to be effected, which is disputed by the petitioner, but without going into the same and taking into account the fact that the petitioner has deposited a sum of Rs.3,00,000/- with the Area Magistrate, this Court deems it appropriate that to confirm the order, whereby the petitioner was ordered to be released on interim bail.

In view of above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 14.03.2022 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Amount of Rs.3,00,000/-, which has been deposited by the petitioner with the Magistrate, shall be kept in a Fixed Deposit in a Public Sector Bank for a period of 6 months with the instructions for automatic renewal, subject to the final outcome of the trial. Fixed Deposit amount along with accrued interest shall be paid to the party, who is found to be entitled thereto on conclusion of the trial. This deposit shall be without prejudice to the right of defence of the petitioner.

(SUVIR SEHGAL)
JUDGE

07.04.2022

Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No