

CRM-M-53932-2021(O&M)

Date of decision: 13.09.2022

VIKRAM SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saurabh Bindra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Sarju Puri, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

On 22.12.2021, the following order was passed:-

“By this petition, the petitioner is seeking anticipatory bail in case bearing FIR No.247 dated 29.11.2021 under Sections 498-A and 406 IPC registered at Police Station City S.B.S.Nagar, Punjab.

Learned counsel for the petitioner contends that the marriage was solemnized on 21.04.2015 and a child was born from the wedlock. The matrimonial dispute has cropped up between the parties. The petitioner has already instituted a petition under Section 9 of Hindu Marriage Act seeking restitution of the conjugal rights prior to the submission of the complaint by the complainant on the basis whereof, the FIR has been registered. Subsequently, a petition for custody of the minor child has also been instituted. Learned counsel for the petitioner further contends that the car alleged to have been sold is in the name of the petitioner himself and he is ready to get the recovery of other articles effected. Furthermore, the parents and elder brother of the petitioner have been granted interim bail by the Court of learned Additional Sessions Judge, S.B.S. Nagar.

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

Adjourned to 07.04.2022.

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.”

As per the report, the parties could not reach at any amicable settlement.

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and furthermore, on conclusion of investigation, the challan has also been presented. The petitioner is not in possession of any article of *Istri Dhan*.

On instructions from ASI Sohan Lal, learned State counsel submits that the petitioner has joined the investigation, his custodial interrogation is not required and also not disputed the fact that the on completion of investigation, challan has been presented.

Learned counsel for the complainant has opposed the bail application on the score that the articles of *Istri Dhan* are yet to be effected.

The controversy as to whether the articles of *Istri Dhan* 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 interim directions and his custodial interrogation is not required. The investigation of the case is complete and challan has also been presented. 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 22.12.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

13.09.2022
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(VIVEK PURI)
JUDGE

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