

CRM-M-54705 of 2021 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-54705 of 2021 (O&M)

Date of decision:01.09.2022

Gaurav Rana

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

Mr. Atul Goyal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.20373 of 2022

Application is allowed as prayed for.

CRM-M-54705 of 2021

Instant petition has been filed under Section 438 Cr.P.C., seeking grant of anticipatory bail to the petitioner in case FIR No.0143 dated 21.11.2021 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1).

In compliance of the order dated 14.06.2022, petitioner had

appeared before this Court on 24.08.2022 alongwith his counsel, who duly identified him. However, the matter was adjourned for today as counsel representing the complainant-respondent No.2 had objected that the petitioner had not participated in the proceedings initiated under Section 125 Cr.P.C as well as under the Protection of Women from Domestic Violence Act, 2005.

Counsel representing the petitioner submits that the petitioner has joined the proceedings and has filed response to both the petitions. This fact has been confirmed by counsel for the complainant-respondent No.2.

In view of the above, Fixed Deposit of Rs.40.00 lacs deposited by the petitioner with the Registrar General of this Court is ordered to be released in his favour against the proper receipt.

As per allegations levelled in the FIR, Annexure P-1, petitioner, who is the husband of the complainant and his family members are accused of misappropriating the dowry articles of the complainant and treating her with cruelty.

While issuing notice of motion, vide order dated 30.12.2021, arrest of the petitioner was stayed and with consent, parties were directed to appear before the Mediation and Conciliation Centre of this Court. However, mediation proceedings could not succeed. By order dated 21.03.2022, petitioner was directed to join investigation and some recovery has been effected from him.

State counsel as well as counsel for the complainant-respondent No.2 submit that large number of articles including gold jewellery and

expensive gifts are yet to be recovered from the petitioner.

This fact has been disputed by counsel for the petitioner. He has in, all fairness, offered to deposit a sum of Rs.7.50 lacs with the Trial Court and has submitted that this deposit will be made without admitting the allegations levelled in the FIR.

In view of the above, order dated 21.03.2022 is made absolute. Petitioner shall deposit Rs.7.50 lacs with the Area Magistrate concerned within a period of four weeks from today. In case, the amount is deposited, the same shall be kept in a Fixed Deposit for a period of six months with instructions for automatic renewal. The deposited amount, alongwith interest accrued thereon, shall be paid to the party, who is found to be entitled to the same on conclusion of the trial.

It is clarified that deposit of amount will not prejudice the right of defence of the petitioner and in case the amount is not deposited, instant petition shall be treated to have been dismissed and State shall proceed further, in accordance with law.

It is also clarified that whenever the petitioner plans to travel abroad, he will seek prior permission from the Court concerned.

September 01, 2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes