

CRM-M-54744-2021

Date of decision: 18.05.2022

YOGESH INDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Ashu Kaushik, Advocate
for the complainant.

VIVEK PURI,J. (ORAL)

On 05.01.2022, the following order was passed:-

“By way of present petition, the petitioner is seeking grant of anticipatory bail, in case FIR No. 76, dated 13.10.2021, under Sections 406, 498-A of IPC, registered at Police Station P.S.Women, District Patiala (Annexure P-1).

Learned counsel for the petitioner submits that as the complainant, who is the wife of the petitioner, was unable to adjust in her matrimonial home, she planted a false and fabricated case upon him. While referring to the contents of the FIR (annexed as Annexure P-1), learned counsel submits that a perusal of the same clearly reveals that vague allegations have been levelled against the petitioner and there is no specific allegation of any demand, much less, entrustment of dowry attributed to the petitioner.

Notice of motion for 04.05.2022.

Meanwhile, petitioner is directed to join investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Baljinder Singh, learned State counsel and counsel for the complainant have submitted that though the petitioner has joined the investigation but the recovery of 6 tolas of golden jewellery is yet to be effected.

Faced with this situation, the learned counsel for the petitioner contends that there is no allegation with regard to entrustment of any golden jewellery in the FIR.

On a query, learned counsel for the complainant has not disputed the fact that the FIR is silent with regard to any specific allegation regarding entrustment of golden jewellery item to the petitioner.

The petitioner has joined the investigation in pursuance of interim directions issued by this Court and the FIR is silent with regard to entrustment of any golden jewellery item. Moreover, the fact as to whether any golden jewellery was entrusted to the petitioner and the same has been misappropriated shall be a debatable and moot point during the course of trial.

In view of the aforesaid submissions, the order dated 05.01.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

18.05.2022
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(VIVEK PURI)
JUDGE

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