

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CRM-M-44138-2019

Date of decision: 15.02.2022

Vivek Bhatia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab.

Mr. Manoj Pundir, Advocate
for the complainant.

...

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.88 dated 04.06.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Ludhiana (Annexure P-2).

Counsel for the petitioner submits that FIR (Annexure P-2) has been registered against the petitioner on the allegation of harassment and ill-treatment on account of non-fulfillment of demand of dowry. He

submits that there are also allegations levelled against the petitioner, who is the husband, that he has misappropriated some dowry articles. Still further, he submits that vide order dated 28.01.2020, this Court granted interim bail to the petitioner and pursuant to the said order, the petitioner has joined the investigation. Counsel submits that despite the fact that at the time of deserting the petitioner, the complainant had taken all her personal items, including jewellery, still some dispute is being raised regarding non-recovery of items from the petitioner. He submits that in order to show his bona fide, but without admitting the allegations levelled in the FIR, the petitioner is ready to deposit a sum of Rs.1.5 lakhs before the Trial Court within any reasonable time as granted by this Court.

Upon instructions from ASI, Joginder Singh, State counsel submits that although the petitioner has joined the investigation, but some gold articles are to be recovered from him.

Counsel for the complainant submits that the complainant was physically assaulted and thrown out from the matrimonial home. He has referred to the medical summary and submits that all her personal items are yet to be recovered.

Counsel for the parties have been heard.

By order dated 17.10.2019, this Court referred the parties to the Mediation and Conciliation Centre of this Court to explore the possibility of the settlement, however, the mediation proceedings remains unsuccessful. Though, some articles are alleged to be still in possession of the petitioner, yet that in itself cannot be a ground to decline confirmation

of the interim bail granted to the petitioners as has been held by the Supreme Court in ***Rajesh Sharma Versus State of U.P. (2017) 3 RCR (Crl.) 836 and Social Action Forum for Manav Adhikar and another Versus Union of India and others (2018) 10 SCC 443.***

Keeping in view the fact that the petitioner has joined the investigation and has offered to deposit a sum of Rs.1.5 lakhs before the Trial Court, this Court deems it appropriate to confirm the interim order dated 28.01.2020 with condition that the petitioner will deposit the amount before the Trial Court within a period of two months from today. On deposit, the amount will be kept in a Fixed Deposit in a Public Sector Bank for a period of one year with the instructions for automatic renewal, subject to the final outcome of the trial. Fixed Deposit amount along with accrued interest will be paid to the party, who is found to be entitled thereto. This deposit will be without prejudice to the right of defence of the petitioner.

Petition is allowed.

(SUVIR SEHGAL)
JUDGE

15.02.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes