

CRM-M-3671-2022(O&M)
Date of decision: 19.07.2023

VERSUS

STATE OF PUNJAB AND ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Respondent No.3 in person with
Mr. P.S.Jammu, Advocate.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.200 dated 27.12.2021, under Sections 498-A/406 IPC, 1860 registered at Police Station Amargarh, District Malerkotla.
2. At the first instance, the arrest of the petitioner was stayed. The matter was also referred to Mediation and Conciliation Centre but no amicable settlement could be effected.
3. On 25.05.2023, the following order was passed:-

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on

CRM-M-3671-2022(O&M)

-2-

interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

4. A sum of Rs.25,000/- on account of travelling and litigation expenses in terms of order dated 30.05.2023 has been paid by the petitioner to respondent No.3 in the Court today.

5. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and he is not in possession of any article of *Istri Dhan*.

6. On instructions from ASI Amrik Singh, learned State counsel submits that the petitioner has joined the investigation, some recovery has been effected but more recoveries are yet to be effected.

7. Learned counsel for the complainant also submits that recovery of cash to the tune of Rs.2,70,000/- and gold jewellery is yet to be effected.

8. Be that as it may, 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 and his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

9. In view of the aforesaid submissions, the order dated 25.05.2023, granting interim bail to the petitioner is made absolute.

10. The petition is allowed.

19.07.2023

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(VIVEK PURI)
JUDGE

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