

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5543-2023
Date of Decision: 27.07.2023

UMA RANI

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Atul Goyal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Kanwar Abhay Singh, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 154 dated 18.12.2021 under Section 498-A IPC (Section 406 IPC added later on) registered at Police Station Women Cell, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner contends that the marriage of the son of the petitioner was solemnized with the complainant on 06.05.2020. The matrimonial dispute had cropped up between the couple and they are residing separate from each other since 30.08.2020. It was a simple marriage and was solemnized during the lockdown period. The petitioner is not in possession of any articles of *istridhan*. The efforts have been made for amicable settlement through mediation but the same could not fructify. The arrest of the petitioner was stayed in terms of the order dated 03.02.2023 and

she has joined the investigation. Even when the bail application was presented before the Court of Sessions, the interim bail was granted and she has joined the investigation.

3. Learned State counsel, on instructions from ASI Harjinder Singh, has also submitted that the petitioner has joined the investigation.

4. Learned State counsel and learned counsel for the complainant further submits that the recovery of articles of *Istridhan* is yet to be effected.

5. Be that as it may, the controversy as to whether the articles of *Istridhan* were entrusted to the petitioner and have been misappropriated by her will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in the instant case.

6. For the aforesaid reasons, the petition is allowed and it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that she join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

27.07.2023

Janki

(VIVEK PURI)
JUDGE

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