

2023:PHHC:084669

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-6866-2023 (O&M)

Date of Decision: 05.07.2023

NITISH SINGLA

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Munish Gupta, Advocate
for respondents No. 2 and 3.

VIVEK PURI, J.(ORAL)

1. On 09.02.2023, the following order was passed:-

“The petitioner-Nitish Singla has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.118 dated 30.12.2022, registered under Sections 406, 498-A of IPC at Police Station Women, District Patiala.

Learned counsel for the petitioner submits that the dispute started between husband and wife when father of respondent No.3-Anjali Singla deposited huge amount in the joint bank account of Anjali Singla and her mother. The FIR has been registered on the statement of Ravinder Kumar Jindal, brother of Anjali. The learned counsel for the petitioner has also placed on record the copy of order dated 03.02.2023 (Annexure P-6) vide which the anticipatory bail application was declined on account of non-recovery of dowry articles. He has also placed on record two recovery memos vide which the dowry articles were recovered (Annexure P-7 and P-8). He submits that the petitioner is ready to join the investigation and he is also ready for reconciliation.

Notice of motion

Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State and Mr. Munish Gupta, Advocate appeared on behalf of the complainant and filed his Vakalatnama, which is taken on record.

Learned State counsel has placed on record another list of dowry articles, which are yet to be recovered. Copy of the same is also supplied to the counsel for the petitioner.

As the petitioner is ready to join the investigation, therefore, in the meantime arrest of the petitioner is stayed subject to the joining of investigation.

Adjourned to 18.04.2023.

Learned State counsel is directed for file detailed status report before the date fixed.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. The efforts were also made for amicable settlement through mediation when the matter was pending in the Court of learned Additional Sessions Judge, but the same could not fructify. The petitioner is not in possession of any article of *istridhan*. The articles of *istridhan* which were in possession of the petitioner have already been handed over to the Investigating Agency which were taken into possession vide recovery memos Annexure P-7 and P-8.

3. Learned State counsel has not disputed the fact that the petitioner has joined the investigation but submitted that some more recovery is yet to be effected.

4. Learned counsel for respondents No.2 and 3 has opposed the bail application on the score that besides other articles of *istridhan*, 65 *tolas* of

golden jewellery is yet to be effected and substantial amount was spent by the parents of the complainant at the time of the marriage of the petitioner and complainant.

5. The controversy as to whether the petitioner was entrusted with articles of *istridhan* and has misappropriated the same will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

6. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, it is directed that in the event of arrest, the petitioner be released on bail to the satisfaction of the Arresting Officer subject to the condition that the petitioner complies with the conditions specified in Section 438 (2) of the Code of Criminal Procedure.

7. Petition is allowed.

05.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No