

MOHIT KUMAR **..PETITIONER**
VERSUS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

3. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 01.03.2022. The FIR has been lodged on the basis of false and vague allegations. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights

CRM-M-6553-2023

-2-

and the present FIR has been lodged subsequently as a counterblast. The articles of *Istri Dhan* which were in possession of the petitioner have been handed over to the complainant. Moreover, he is not in possession of any illicit weapon. Furthermore, the petitioner has joined the investigation in pursuance of interim directions.

4. On instructions from ASI Anyat Khan, learned State counsel submits that though the petitioner has joined the investigation and the recovery has been effected but 2 to 3 tolas of golden jewellery is yet to be recovered.

5. Learned counsel for the complainant submits that the complainant was on family way when she was turned out of the matrimonial house and a daughter has been born from her. The petitioner had been threatening the complainant on gun point. However, it has not been disputed that the offence under Section 25 of Arms Act has not been invoked in the instant case.

6. 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 in pursuance of interim directions issued by this Court. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

7. The petition is allowed and 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 he comply with the provisions of Section 438(2) Cr.P.C.

22.11.2023

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(VIVEK PURI)
JUDGE

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