

2023:PHHC:098911

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

CRM-M-8204-2023

Date of Decision: 02.08.2023

RAKESH TAYAL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Sheenam Kamboj, Advocate for
Mr. D.S.Sobti, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Yogesh Goel, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

1. As per the report received from the Mediator, the amicable settlement could not be effected.
2. On 16.02.2023, the following order was passed:-

“This is a petition for grant of pre-arrest bail in case FIR No.8 dated 24.01.2023 under Sections 406, 498-A IPC, registered at Police Station, Women Cell, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that allegations in the FIR are vague and general in nature. Similar allegations levelled against his parents, after inquiry, were found to be false by the police, and FIR was not lodged against them. He further submits that whatever items of Istri Dhan and gifts etc. that are with the petitioner, he is ready and willing to handover the same to the complainant. He will join the investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Hakam Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 04.05.2023.

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

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and he is not in possession of any article of *istridhan*.

4. Learned State counsel has submitted that though the petitioner has joined the investigating, but recovery of some of the articles of *istridhan* has been effected but still 05 tolas of golden jewelry is yet to be effected.

5. Learned counsel for the complainant also submits that the complainant alongwith one year old child has been thrown out of the matrimonial house shortly after the marriage and recovery is yet to be effected.

6. Be that as it may, the controversy as to whether the articles of *istridhan* and 05 tolas of golden jewelry were entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The allegation with respect to maltreatment and cruelty are also required to be adjudicated during the course of trial. The petitioner has joined the investigation and his custodial interrogation is not required.

7. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 16.02.2023, vide which the petitioner has been granted interim bail, is made absolute.

8. Petition is allowed.

02.08.2023
smriti

(VIVEK PURI)
JUDGE

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