

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8472-2023 (O&M)
Date of Decision: 21.11.2023

AMIT KHURANA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Savita Bhandari, Advocate for the petitioner.
Mr. Ranvir Singh Arya, Addl. AG Haryana.
Mr. Parminder Singh, Advocate for respondent No.2.

* * * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 69 dated 14.01.2023 under Sections 323, 406, 498-A, 506, 34 IPC registered at Police Station Karnal Civil Lines, District Karnal.

2. On 11.04.2023, following order was passed by the Co-ordinate Bench:

“Ms. Savita Bhandari, Advocate has put in appearance on behalf of the petitioner by filing fresh vakalatnama after obtaining no objection from the previous counsel, and the same is taken on record.

As per report dated 28.03.2023 of the mediator, no settlement could be arrived at between the parties in the mediation proceedings.

Adjourned to 24.07.2023 for arguments.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer. He is also directed to surrender his passport to the Investigating Officer within a period of two days from today, 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 the marriage of the petitioner was solemnized with the complainant on 10.08.2008 and the FIR has been registered after a period of 15 years of the marriage on the basis of false allegations. All the articles of *istridhan*/jewellery which were

in possession of the petitioner have been handed over to the Investigating agency. In pursuance of the interim directions, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from ASI Sunita Devi, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

5. Learned counsel for the complainant has opposed the bail application on the score that the petitioner is not making payment of arrears of maintenance as awarded by the Court in Canada and recovery of 24 tolas of golden jewellery is yet to be effected.

6. Be that as it may, in the event, the order passed by the competent Court in Canada is not being complied with, the complainant can seek appropriate remedy in the said Court. The controversy as to whether the articles of *Istridhan* 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 the interim directions issued by this Court.

7. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.04.2023 is made absolute.

21.11.2023

Janki

(VIVEK PURI)
JUDGE

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