

2023:PHHC:103766

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

CRM-M-8420-2023

Date of Decision: 10.08.2023

GURWINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Manoj R. Sharma, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. B.S.Randhawa, Advocate
for respondent No.2

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in the case bearing FIR No.09 dated 20.01.2023 under Sections 498-A and 506 IPC registered at Police Station Batala, District Gurdaspur.

2. On 24.04.2023, the following order was passed by the Coordinate Bench of this Court:-

“Mediation between the parties has failed.

Adjourned to 10.08.2023.

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 the marriage of the petitioner was solemnized with the complainant on 23.07.2021. The complainant had carried all her articles of *istridhan* including golden

jewellery when she left the matrimonial house. The petitioner is not in possession of any article of *istridhan*. Furthermore, in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from ASI Sukhdev, submits that the petitioner has joined the investigation.

5. However, learned State counsel and learned counsel for the complainant submit that some articles of *istridhan* including 13 tolas of golden jewellery is yet to be recovered.

6. Be that as it may, 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 interim directions and his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

7. Accordingly, the petition is allowed and the order dated 24.04.2023, vide which the petitioner has been granted interim bail, is made absolute.

10.08.2023
smriti

(VIVEK PURI)
JUDGE

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