

Date of decision: 09.10.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Mr. Achin Gupta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Karanjeet Singh Brar, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.06 dated 10.01.2023, under Sections 498-A/406 IPC, 1860 registered at Police Station Sadar Mansa, District Mansa.
2. Status report by way of affidavit of Gursharan Singh Purewal, PPS, Deputy Superintendent of Police (PBI & NDPS), Mansa District Mansa on behalf of the respondent-State has been filed and the same is taken on record.
3. On 22.02.2023, the following order was passed:-

“Mr. Karanjeet Singh Brar, Advocate has appeared on behalf of the complainant and filed his memorandum of appearance.

Learned counsel representing the petitioner as well as the counsel for the complainant submits that the parties are ready for reconciliation, let the matter be sent to Mediation and Conciliation Centre to explore the possibility of amicable settlement between the parties.

Parties are directed to put in appearance in person before the Mediation and Conciliation Centre of this Court on 15.03.2023 and the petitioner is directed to pay a sum of Rs.15,000/- towards litigation expenses to the complainant before the Mediator.

To await the report, list on 28.04.2023.

In the meantime, arrest of the petitioner is stayed till the

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next date of hearing, subject to the joining of investigation.”

4. As per the report received from the Mediator, despite best efforts, the parties could not arrive at an amicable settlement.

5. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation and is not in possession of any article of *Istri Dhan*.

6. Learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required but the golden ornaments weighing 3.5 tolas and Rs.70,000/- cash is yet to be recovered.

7. Learned counsel for the complainant has opposed the bail application on the score that the recovery of articles of *Istri Dhan* is yet to be effected.

8. 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 and her custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

9. In these set of circumstances, the petition is allowed and it is directed that in the event of arrest, the petitioner be released on bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he complies with the provisions of Section 438(2) Cr.P.C.

09.10.2023

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(VIVEK PURI)
JUDGE

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