

CRM-M-11425-2023 (O&M)
Date of decision: 01.09.2023

...PETITIONER

...RESPONDENT

satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 14.07.2023.

The State shall file the status report qua the recovery effected.

Learned counsel for the parties are ad idem that the matter be referred to Mediation and Conciliation Centre, to explore the possibility of an amicable solution.

In view of the above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 21.03.2023. However, the same shall be only after the petitioner joins the investigation and get effected the recovery of all the dowry articles.

Since, the main dispute is between the husband and wife who are the children of petitioner and complainant, their presence would be necessary for arriving at an amicable solution. Accordingly, they may join the proceedings before the Mediator through video conferencing and the petitioner and complainant shall appear in person.”

2. As per the report from the Mediator, mediation was unsuccessful.
3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions and he is not in possession of any article of *Istri Dhan* and whatsoever articles were in the possession of the petitioner, the same have been handed over to the Investigating Agency.
4. On instructions from Hardeep Singh, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.
5. Learned counsel for the complainant submits that still some more articles of *Istri Dhan* are required to be recovered.
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 and his custodial interrogation is not required. As such, sufficient

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exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

7. In view of the aforesaid submissions, the order dated 03.03.2023, granting interim bail to the petitioner is made absolute.
8. The petition is allowed.

01.09.2023
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(VIVEK PURI)
JUDGE

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