

CRM-M-11454-2023 (O&M)
Date of decision: 01.09.2023

...PETITIONER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Bhrigu Dutt Sharma, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

“The present petition is for grant of anticipatory bail to the petitioner in FIR No. 02 dated 10.02.2023, under Sections 406, 498-A and 417 of Indian Penal Code, at Police Station NRI Jalandhar, District Police Commissionerate Jalandhar. Without going into details of the matter, learned counsel for the petitioner has summarized his arguments that both the husband and wife are in Germany and, in fact, the respondent-wife has already filed a petition for divorce which is pending for the compromise. He further submits that the petitioner is ready to get the recovery effected of all the dowry articles and a possibility of an amicable solution can be explored, as the parties have already demonstrated their intention to part-ways.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of respondent/State.

At this stage, Mr. Bhrigu Dutt Sharma, Advocate has put in appearance on behalf of complainant and filed Vakalatnama, which is taken on record.

Without commenting on the merits of the case, the petitioner is directed to join investigation on 10.03.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the

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 she 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 her 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 her 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

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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