

2023:PHHC:141787

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

CRM-M-13053-2023

Date of Decision: 07.11.2023

NITISH KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 29.08.2023, the following order was passed:-

“1. Petitioner is seeking anticipatory bail in case bearing FIR No.17 dated 22.01.2023 under Sections 406, 498A & 120B IPC registered at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner and respondent No.2 have submitted that possibility of amicable settlement between the parties may be explored.

3. Let the parties appear before the Mediation and Conciliation Centre of this Court on 18.09.2023. On appearance of respondent No.2 before the Mediator, the petitioner shall pay a sum of Rs. 20,000/- to facilitate her presence and participation in the mediation proceedings.

4. For awaiting the report of the Mediator, adjourned to 07.11.2023.

5. In terms of the order dated 16.03.2023, the arrest of the petitioner was stayed and he has yet to join the investigation.

6. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

2. As per the report received from the Mediator, despite best efforts, the parties could not reach at any amicable settlement.

3. Learned counsel for the petitioner contends that the marriage of

the petitioner was solemnized with the complainant on 23.02.2022. The complainant resided in the matrimonial house only for a period of six months. The sister of the petitioner is married to the brother of the complainant. Even the sister of the petitioner had cut off all the ties with her parental family. The allegations levelled in the FIR are false and vague. The present FIR has been lodged as a counter blast to the FIR No.136 dated 02.09.2022 under Sections 451/504/506/34 IPC registered at Police Station Damtaal, District Kangra (Annexure P-2) at the instance of the mother of the petitioner against the brother and cousins of the complainant. While leaving the matrimonial house, the complainant had carried all her jewellery items with her. Furthermore, in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from ASI Tarlok Singh, submits that the petitioner has joined the investigation but recovery of 06 tolas of golden jewellery is yet to be effected.

5. Be that as it may, the controversy as to whether any 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.

6. Accordingly, the petition is allowed and the order dated 29.08.2023, vide which the petitioner has been granted interim bail, is made absolute.

07.11.2023

smriti

(VIVEK PURI)
JUDGE

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