

2023:PHHC:095663

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

CRM-M-19455-2022

Date of Decision: 27.07.2023

SIMRANJIT SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Jaswinder Singh Grewal, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Proxy counsel for

Mr. Ashish Soi, Advocate, for respondent No.2/complainant.

VIVEK PURI, J.(ORAL)

1. On 09.05.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.159 dated 25.12.2021, registered under Sections 406 and 498-A of IPC, 1860, at Women Police Station, Ludhiana City, District Ludhiana, Annexure P-7.

By referring to the recording in the Compact Disk, Annexure P2, as well as agreement dated 18.06.2021, Annexure P-3, counsel for the petitioner submits that the complainant-respondent No.2 had left her matrimonial home and had taken all the dowry articles with her in a MiniTruck with the help of her brother. He submits that the complainant physically assaulted her mother-in-law and while leaving threatened the petitioner and his family members. He submits that the complaint, leading to the registration of the FIR, is a counter blast to the petition instituted by the petitioner under Section 09 of the Hindu Marriage Act, 1955, Annexure P-4, on 19.07.2021. Counsel submits that the petitioner is ready to explore the possibility of settlement with the complainant as also bear litigation and travelling expenses of Rs.20,000/- on her behalf.

Notice of motion.

On asking of the Court, Mr. A.S. Gill, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State. He has instructions to state that recovery of some gold ornaments and a few electronic items are to be effected from the petitioner.

Respondent No.2 be served for 20.09.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer 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.

On the day, the complainant/respondent No.2 causes appearance before this Court, the petitioner will pay her the offered amount.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and all the articles of *istridhan*, which were in possession of the petitioner, have been handed over to Investigating Officer.
3. Learned State counsel, on instructions from ASI Harjinder Singh, has not disputed the fact that the petitioner has joined the investigation but has stated that some articles of *istridhan* are yet to be recovered.
4. Learned counsel for the complainant submits that recovery of some articles of *istridhan* is yet to be effected.
5. 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.
6. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 09.05.2022, vide which the petitioner has been granted interim bail, is made absolute.
7. Petition is allowed.

27.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned

Whether Reportable

: Yes/No

: Yes/No