

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21271-2023 (O&M)
Date of Decision: 12.07.2023

HARJIT SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.P.S. Virk, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

VIVEK PURI, J. (ORAL)

1. On 12.05.2023, following order was passed by the Co-ordinate

Bench:

“On 28.04.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 33 dated 24.01.2023, under Sections 323, 498-A and 506 IPC, registered at Police Station, Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner inter alia contends that allegations of injuries are false and concocted. The injuries are actually self-inflicted injuries. The pen drive which was even produced before Sessions Court indicates that complainant is in habit of causing self-inflicting injuries.

Notice of motion, returnable for 12.05.2023.

On the asking of Court, Mr. Shiva Khurmi, AAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Learned State counsel is directed to file status report qua authenticity of MLR vis-a-vis injuries suffered by complainant and contents of pen drive produced by petitioner before Sessions Court. The petitioner shall hand over pen drive to the Investigating Officer within three days from today.”

Status report by way of affidavit dated 11.05.2023 of Arun Sharma, P.P.S., Deputy Superintendent of Police, Sub-Division, Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

As per status report, the complainant was called and confronted with video clips supplied by the petitioner. She has

accepted her presence as well as her acts and conducts, however, she has stated that video relates to an incident which occurred 2 years ago.

Learned State counsel submits that petitioner may be directed to hand over the mobile which was used to record the video.

Considering the aforesaid facts and circumstances, at the first instance, the petitioner is directed to appear before the Investigating Officer on 17.05.2023 at 10:00 AM and thereafter as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 12.07.2023.

The petitioner is directed to hand over his mobile to the Investigating Officer at the time of joining investigation, which was used to record the aforesaid video.”

2. Status report by way of affidavit of Arun Sharma, Deputy Superintendent of Police, Sub Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, on behalf of the State has been taken on record.

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation. Subsequently, the offence under Section 406 IPC has been added. The allegation of the complainant is to the effect that 30 gms of golden jewellery was entrusted to the petitioner. In fact, it was the 2nd marriage of both the parties and no articles of *Istridhan* were given at the time of marriage. The petitioner is not in possession of any article of *Istridhan* of the complainant.

4. Learned State counsel, on instructions from ASI Kulwinder Kaur, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required. However, it has been submitted that the articles of *Istridhan* are required to be recovered.

regard to articles of *Istridhan*/jewellery have been submitted.

6. 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. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

7. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 12.05.2023 is made absolute. However, it is made clear that this order shall also be construed to have been passed with regard to the offence under Section 406 IPC. The petitioner shall also comply with the other conditions as specified under Section 438(2) Cr.P.C.

12.07.2023

Janki

(VIVEK PURI)
JUDGE

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