

**Date of decision: 21.09.2023**

**...PETITIONER**

## ...RESPONDENT

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1. On 26.07.2023, the following order was passed:-

3. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 10.02.2019 and a daughter has been born from the wedlock. There are vague and false allegations with regard to the pressure being exerted by the petitioner for conducting sex determination test. Although, there are allegations to the effect that the petitioner had inflicted injuries by means of knife and blade upon the complainant but the same are not supported with any medical evidence. On account of marital discord, the parents of the petitioner had shifted to a separate house. The petitioner along with the complainant and minor daughter were residing separately from his parents. On 09.08.2022, the

*petitioner had gone away for work and in his absence, the complainant had left the matrimonial house and gone to the parental place. She also took minor daughter with her. Even, the parents of the petitioner have instituted a civil suit against the parental family members of the complainant. The petitioner is ready and willing to return all the articles of Istri Dhan that may be in his possession.*

*4. As per the report received from the Mediation and Conciliation Centre of this Court, no settlement could be effected between the parties.*

*5. Learned counsel for the complainant has sought to deny the allegations as put forth by the learned counsel for the petitioner.*

*6. Learned State counsel submits that the arrest of the petitioner was stayed and he is yet to join investigation.*

*7. Adjourned to 21.09.2023.*

*8. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

2. As per the report received from the Mediation, despite best efforts, the parties could not arrive at an amicable settlement.

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions and all the articles of *Istri Dhan* which were in custody of the petitioner have been handed over to the Investigating Agency.

4. On instructions from HC Paramjit Singh, learned State counsel submits that the petitioner has joined the investigation and recovery of household articles has been effected but recovery of golden jewellery worth Rs.6,00,000/- is yet to be effected.

5. Learned counsel for the complainant submits that besides the golden jewellery, cash to tune of Rs.1,00,000/- is yet to the recovered.

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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 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 26.07.2023, granting interim bail to the petitioner is made absolute.
8. The petition is allowed.

21.09.2023  
*renubala*

(VIVEK PURI)  
JUDGE

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