

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-27419-2022 (O&M)
Date of Decision: 20.07.2023

MANOHAR GUPTA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Divya Sharma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Prateek Mahajan, Advocate (legal aid counsel)
for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 12.10.2022, following order was passed by the Co-ordinate

Bench:

“Mediation has failed.

For arguments, adjourned to 18.01.2023.

Seeking ad interim anticipatory bail for the petitioner, learned counsel inter alia submits that the petitioner has been falsely implicated in this case on account of matrimonial discord between the petitioner and the complainant; the petitioner has no other criminal antecedents; earlier on 03.05.2022 the complainant had filed a complaint with the police in which there was no reference to any dowry article retained by the petitioner showing falsity in the complainant's claims made now; in any case, the petitioner is ready and willing to return all the admitted dowry articles/Istri Dhan to the complainant; the allegations of cruelty are false and unsubstantiated and that the petitioner is also ready and willing to join and cooperate with the investigation.

After considering the above submissions, it is directed that subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.89 dated 29.04.2022 registered under Sections 406 and 498-A IPC at Women Police Station, District Police Commissionerate Ludhiana, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

2. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and had also produced the articles of *Istridhan* which were in his possession before the investigating agency.

3. Learned State counsel, on instructions from ASI Harjinder Singh, has not disputed the fact that the petitioner has joined the investigation and had also produced some articles of *Istridhan* but the complainant had refused to receive the same on the pretext that some cash amount pertaining to the *shagun* is not being handed over to her. As such, the articles remained with the petitioner.

4. Learned counsel for the complainant has opposed the bail application on the score that the complete articles of *Istridhan* were not being handed over by the petitioner to the investigating agency or the complainant.

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. The petitioner has joined the investigation and his custodial interrogation is not required.

6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 12.10.2022 is made absolute.

20.07.2023

Janki

(VIVEK PURI)
JUDGE

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