

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

CRM-M-28159-2022

Date of decision: 04.09.2023

NAVJOT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Sharma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. On 06.07.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 70 dated 05.06.2022 under Sections 406, 498-A, IPC, registered at Police Station Phase 8, District SAS Nagar, Mohali.

Learned counsel for the petitioner states that the marriage of the petitioner was solemnized with the complainant on 16.02.2021. The complainant had been asking the petitioner to reside separately from other family members. The petitioner is working as a Govt. employee and the complainant is also employed in HDFC Bank. In the FIR the allegations are with regard to the demand of Rs. 3 Lakhs to clear the loan. In fact, the loan for the purchase of car has been raised in the name of the complainant herself. Subsequent to the submission of the complaint on the basis whereof FIR has been registered, the complainant had submitted a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights wherein allegations with regard to demand of Rs. 10 Lakhs has been raised as a result of afterthought.

Notice of motion.

Mr. M.S.Nagra, AAG Punjab accepts notice on behalf of the State. Mr. Rajeev Gupta, Advocate has put in appearance on behalf of the complainant.

Learned counsel for the petitioner as well as the respondent are ad idem that possibility of amicable settlement through the process of mediation may be explored in the instant case. The parties are directed to appear before the Mediation and Conciliation Center of this Court on 09.08.2022.

Report of the Mediator be awaited for 27.10.2022. 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

CRM-M-28159-2022

-2-

by the conditions as specified under Section 438(2) Cr.P.C.”

2. 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 his possession have been handed over to the Investigating Agency and the same has been further passed on to the complainant.

3. On instructions from ASI Mandeep Kaur, learned State counsel submits that though the petitioner has joined the investigation and some recoveries have been effected but still recovery of one golden bangle and chain is yet to be effected. Furthermore, the custodial interrogation of the petitioner is not required.

4. On a query, learned State counsel submits that there is no receipt/bill with regard to one golden bangle and chain.

5. 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.

6. In view of the aforesaid submissions, the order dated 06.07.2022, granting interim bail to the petitioner is made absolute.

7. The petition is allowed.

04.09.2023

renubala

(VIVEK PURI)
JUDGE

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