

2023:PHHC:104085

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

CRM-M-29158-2023

Date of Decision: 10.08.2023

**JAI PARKASH CHAYAL ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Parambir Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Anil Kumar, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Status report by way of affidavit of Sumit Sood, Assistant Commissioner of Police, Detective-1, Ludhiana, Additional Charge as ACP (Central), Ludhiana, has been placed on record.
2. On 02.06.2023, the following order was passed by the Coordinate Bench of this Court:-

“The petitioner Jai Parkash Chayal has filed anticipatory bail in FIR No.194 dated 08.11.2022 under Sections 498-A and 406 IPC, dated 08.11.2022, registered at Police Station Division No.2, Ludhiana, Punjab.

It is argued that the allegations levelled against him are false. He is ready and willing to reconcile with his wife Sonu Rani respondent No.2.

Notice of motion.

Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State.

Let the status report be filed on 10.08.2023.

In the meantime the arrest of the petitioner is stayed subject to the joining of investigation. The possibility of compromise will be explored on the appearance of respondent No.2.”

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. All the articles of *istridhan* which were in possession of the petitioner have been handed over to the Investigating Agency.
4. Learned State counsel, on instructions from SI Didar Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.
5. Learned counsel for the complainant submits that some golden jewellery is yet to be recovered.
6. It appears that there are bleak chances of amicable settlement at this stage.
7. 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 in pursuance of interim directions 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.
8. Accordingly, the petition is allowed it is directed that in the event of arrest, the petitioner be released on bail to the satisfaction of the Arresting Officer subject to the condition that the petitioner complies with the conditions specified in Section 438 (2) of the Code of Criminal Procedure.

10.08.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No