

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

CRM-M-30733-2023
Date of decision: 25.09.2023

PRINCE KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Paras Jagga, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.30 dated 28.05.2023, under Sections 406/498-A IPC, registered at Women Police Station, District Police Commissionerate Ludhiana.
2. As per office note, respondent No.2 is served but none has appeared on her behalf.
3. On 16.06.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“Learned counsel appearing on behalf of the petitioner, inter alia, contends that the petitioner is the husband of the complainant who moved out of the matrimonial house two months prior to the allegations that have been levelled out of her own free will and accord. He submits that the petitioner has already filed a petition under Section 9 of the Hindu Marriage Act, for the restitution of the conjugal rights. He further contends that the petitioner is ready and willing to join investigation as and when required to do so and also to explore the possibility of any amicable resolution of the dispute/grievance that may be entertained by the respondent-complainant.

Notice of motion returnable for 25.09.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/

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investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions and he is not in possession of any article of *Istri Dhan*.

5. On instructions from ASI Meet Ram, learned State counsel submits that the petitioner has joined the investigation but the recovery of 2½ tolas of golden jewellery is yet to be effected.

6. On a query, learned State counsel submits that no bills/receipt of the golden jewellery has been submitted and there is only an estimate provided by the goldsmith.

7. 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.

8. In view of the aforesaid submissions, the order dated 16.06.2023, granting interim bail to the petitioner is made absolute.

9. The petition is allowed.

25.09.2023

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(VIVEK PURI)
JUDGE

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