

2023:PHHC:144683

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-30860-2023
Date of Decision:14.11.2023

MANGAT RAM

... PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Arshit Goel, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 19.06.2023 following order was passed by Coordinate Bench:-

“Apprehending his arrest in FIR No.0043 dated 26.05.2023, registered under Sections 406/498-A IPC at Police Station PS Women, District Patiala, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter-alia submits that the present FIR is owing to the circumstances arisen in the house due to the petitioner having run into financial turbulence. So far as the offences punishable under Section 406/498-A IPC are concerned, the same are not even made out from the bare reading of FIR.

Notice of motion for 17.08.2023.

On the asking of the Court, Mr. H.S.Sitta, DAG, Punjab appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C”.

2. Learned counsel for the petitioner contends that on 28.04.2022, the complainant had packed and loaded all her articles in a small truck and had taken to her parental house. Furthermore, in pursuance of interim directions, the petitioner has joined the investigation and is not in possession of any article of Istridhan.

3. Learned State counsel on the instructions of H.C. Paramjit submits that some recovery has been effected but the recovery of golden jewellery weighing 36 tolas is yet to be effected. It has been further submitted that the bills with regard to 13 tolas of jewellery have been submitted and with regard to the rest of the articles, the complainant has only submitted a list thereof. A sum of Rs. 1,20,000/- was transferred in the account of the petitioner by the parental family of the complainant. Besides, Rs.2.5 lac was given in cash and an FDR in the sum of Rs.6 Lac was also prepared in the name of the petitioner.

4. Learned counsel for the petitioner submits that no such amount has been transferred or paid to the petitioner.

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 19.06.2023 granting interim bail to the petitioner is made absolute.

7. The petition is allowed.

14.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No