

**102+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-30982-2023 (O&M)
Date of decision: 15.11.2023****VISHAVPINDER JEET SINGH @ VISPINDER JEET SINGH****...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Bawa Karanveer, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

1. On 21.06.2023 following order was passed by the Coordinate
Bench:-

“Prayer in the present petition is for the grant of anticipatory bail to the petitioner, in case FIR No.38 dated 17.05.2023, registered under Sections 406, 498-A and 34 of the Indian Penal Code, 1860, at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1).

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with the complainant in the year 2008 and at no point of time in these 15 years, any allegations regarding harassment for dowry were levelled. He further submits that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

Notice of motion.

Mr. Anmol Singh Sandhu, AAG., Punjab, accepts notice on behalf of the respondent-State.

Mr. Bawa Karanveer, Advocate, has put in appearance on behalf of the complainant and has filed his power of attorney. The same is taken on record.

In the meantime, keeping in view the fact that the parties have been married for a long time and there are chances of an amicable settlement, I deem it appropriate to refer the matter to the Mediation and Conciliation Centre of this Court.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court for

exploring the possibility of an amicable settlement on 17.07.2023.

In the meantime, the petitioner is directed to appear before the Arresting/Investigating Officer and join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of Arresting/Investigating Officer subject to compliance of the provisions of Section 438(2) Cr.P.C.

List on 29.08.2023”.

2. Learned counsel for the petitioner contends that in pursuance of interim directions the petitioner has joined the investigation and has handed over all the articles of *Istridhan* that were in his possession to the Investigating Agency. Furthermore, an application bearing No. CRM-47954 of 2023 has also been moved for addition of the offence under Section 201 and 420 IPC as the same have been subsequently added in the instant case. It has been submitted that offence under Section 201 IPC has been added on the score that the entire articles of *Istridhan* have not been returned and furthermore the offence under Section 420 IPC has been added as 2 golden rings passed on to the Investigating Agency do not pertain to the articles of *Istridhan* of the complainant. However, it has been submitted that those 2 golden rings were examined by a goldsmith and the same were found to be of genuine gold and not to be fake one.

3. On the instructions from ASI Ashok Kumar, the learned State counsel submits that some articles of *Istridhan* have been recovered and about 85 tolas of golden jewellery is yet to be recovered regarding which bills have also been submitted. The learned counsel for the complainant have also opposed the bail application on the score that the golden jewellery is yet to be recovered.

4. Be that as it may, the controversy as to whether the petitioner has misappropriated the dowry articles/golden jewellery of the complainant will be

debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions. It has been specifically contended by learned counsel for the petitioner that he is not in possession of any other article of *Istridhan* and whatsoever article of *Istridhan* were in his possession have been handed over to the Investigating Agency.

5. In view of the aforesaid submissions, the order dated 21.06.2023 granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

7. However, it is made clear that this order shall also be construed to have been passed with regard to offence under Section 201 and 438 CPC.

15.11.2023
joyti

(VIVEK PURI)
JUDGE

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