

2023:PHHC:099049

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

CRM-M-33864-2022

Date of Decision: 02.08.2023

SOURABH MUNJAL

... PETITIONER

VS.

STATE OF HARYANA & ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ivneet Singh Pabla, Advocate, for the petitioner.
Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.
Mr. Vishwajeet, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

1. On 09.08.2022, the following order was passed in the main case
by the Coordinate Bench of this Court:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.437 dated 21.06.2022, registered for offences under Sections 323, 354-A, 376, 406, 498-A, 506, 511, IPC, however, Sections 376, 354-A and 511, IPC have been deleted, lateron, at Police Station Ladwa, District Kurukshetra (Annexure P-1).

Counsel for the petitioner urges that the petitioner is the husband of the complainant and allegations levelled in the FIR are non-specific. He submits that although, besides the petitioner, the parents-in-law of the complainant were also named as accused, but during investigation, they have been found to be innocent. By referring to affidavit dated 04.08.2022 (Annexure P-4), counsel submits that the petitioner is ready to return the articles as deposed by him in his affidavit (Annexure P-4), without admitting the allegations levelled in the petition.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Upon instructions from L/SI, Kamlesh, she submits that the complainant has given a list of articles, which were entrusted to the petitioner.

List on 19.09.2022.

The petitioner shall appear before the Investigating Officer at Police Station Ladwa, District Kurukshetra on 17.08.2022 at 10.00 A.M. and join the investigation and would appear as and when called by the Investigating

Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

On the day of joining investigation, the petitioner will return the articles mentioned by him in his affidavit dated 04.08.2022 (Annexure P-4) to the Investigating Officer, which will be handed over to the complainant in accordance with law. The return of articles by the petitioner will be without prejudice to his right of defence.

Petitioner is directed to implead the complainant as party-respondent to the petition”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and returned the articles as depicted in the affidavit dated 04.08.2022, Annexure P-4. The petitioner is not in possession of any other article of *istridhan*.

3. Learned State counsel, on instructions from W/SI Kamlesh, submits that though the petitioner has joined the investigation, some recovery has also been effected but still more recoveries are to be effected.

4. 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.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 09.08.2022, vide which the petitioner has been granted interim bail, is made absolute.

6. Petition is allowed.

02.08.2023
smriti

(VIVEK PURI)
JUDGE

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