

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34182-2023
Date of Decision: 31.10.2023

MONIKA KUMARI AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Swati Verma, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 18.07.2023, following order was passed by the Co-ordinate

Bench:

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No. 66 dated 26.6.2023, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner submits that the marriage between complainant and accused Munish @ Gullu was solemnized on 20.10.2021. The complainant-wife is living separately since December 2022. The accused Munish had filed petition under Section 9 of the Hindu Marriage Act (Annexure P-2), which is still pending consideration before the learned trial Court. After filing of the said petition under Section 9 of the HMA by the accused/husband, the complainant-wife has lodged the present FIR on 26.6.2023. It is submitted that there are no children from this wedlock.

Notice of motion for 31.10.2023.

On asking of the Court, Ms. Kanika Sachdeva, AAG, Punjab accepts notice on behalf of respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation

and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

2. Status report by way of affidavit of Lakhwinder Singh, Deputy Superintendent of Police, Rural, District Gurdaspur, on behalf of the State has been taken on record.

3. Learned counsel for the petitioners contend that petitioner No.1 and 2 are the sister-in-law and mother-in-law respectively of the complainant. In pursuance of the interim directions, they have joined the investigation and are not in possession of any article of Istridhan. Munish, the husband of the complainant has been granted pre-arrest bail by the Coordinate Bench of this Court in terms of the order dated September 25, 2023 passed in CRM-M-36334-2023.

4. Learned State counsel, on instructions from ASI Jagdish Singh, has submitted that the petitioners have joined the investigation but recovery of golden jewellery weighing 83 gms is yet to be effected.

5. Be that as it may, the controversy as to whether the articles of *Istridhan* were entrusted to the petitioners and have been misappropriated

by them will be a debatable and moot point during the course of trial. The husband of the complainant has been granted pre-arrest bail. The petitioners have joined the investigation in pursuance of the interim directions issued by this Court.

6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 18.07.2023 is made absolute.

31.10.2023

Janki

(VIVEK PURI)
JUDGE

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