

2023:PHHC: 133718

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39462-2023

Date of decision: 13.10.2023

SUNNY DAYAL SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Ms. Narender P.V. Singh, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

1. On 11.08.2023, following order was passed:-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No.14 dated 01.03.2023 under Sections 323, 498-A and 406 IPC registered at Women Police Station, Panchkula, District Panchkula.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant in the year 2009 and a son has been born from the wedlock. The complainant is residing separate from the petitioner since the year 2019. The FIR has been lodged on the basis of false and vague allegations. The petitioner has also instituted a petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights. The petitioner is ready and willing to amicably settle the matrimonial dispute.

3. On the oral request of learned counsel for the petitioner, complainant i.e. Manjeet Kaur daughter of Chanchal Singh, resident of house No.339, Prem Nagar, Kalgidhar Gurudwara, Hardochanni Road, Gurdaspur Punjab, City Gurdaspur, Gurdaspur, Punjab is impleaded as respondent No.2. Registry to carry out the necessary correction in the memo of parties.

4. Notice of motion.

5. Mr. Ranvir Singh Arya, Additional Advocate General, Haryana accepts notice on behalf of the respondent-State.

6. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 11.09.2023.

7. The petitioner shall also pay a sum of Rs.20,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

8. The report be awaited for 13.10.2023.

9. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of

the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Status report by way of affidavit of Rajneesh Kumar, HPS, Assistant Commissioner of Police, Panchkula has been filed on behalf of respondent has been taken on record.

3. As per the report received from the Mediator, despite best effort, the parties could not reach at any amicable settlement.

4. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner had joined the investigation and on conclusion of investigation, Challan has also been presented in the Court.

5. Learned State counsel, on instructions from SI Zile Singh, submits that petitioner had joined the investigation and on conclusion of investigation, challan has also been presented.

6. Learned counsel for the complaint has submitted that recovery of dowry articles of *Istridhan* are yet be effected.

7. 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 debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and further more on conclusion of the investigation challan has also been presented in the Court.

8. In view of the aforesaid submissions, the order dated 18.08.2023, granting interim bail to the petitioner is made absolute.

9. The petition is allowed.

13.10.2023

manoj

(VIVEK PURI)
JUDGE

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