

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-40419-2023

Date of decision: 21.11.2023

ANIL KUMAR

...PETITIONER

VERSUS

UNION TERRITORY, CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harshit Joon, Advocate
for the petitioner.

Mr. Rajiv Viz. Addl. P.P. for U.T. Chandigarh.

None for respondent No.2.

VIVEK PURI,J. (ORAL)

1. On 18.08.2023, the following order was passed by this Court:-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No.35 dated 23.06.2023 under Sections 406 and 498-A IPC registered at Women Police Station, Sector 17, Chandigarh.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 29.04.2013 but no child has been born from the wedlock. The FIR has been registered on the false and vague allegations. During the period of 10 years, the complainant has not submitted any complaint at any forum prior to the registration of the present FIR. 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. Suman Yadav daughter of Ram Milan Yadav, resident of #5703, near Baba Balak Nath Temple, Maloya Colony,

Chandigarh, Maloya, Chandigarh is impleaded as respondent No.2. Registry to carry out the necessary correction in the memo of parties.

4. Notice of motion.

5. Mr. Rajiv Viz, Addl. P.P. accepts notice on behalf of the respondent-U.T. Chandigarh.

6. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 05.09.2023.

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 21.11.2023.

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. As per the report received from the Mediator, despite best efforts, the parties could not arrived at amicable settlement.

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and he is not in possession of any article of *istridhan*.

4. Learned Additional P.P. U.T. Chandigarh on instructions from ASI Baldev Raj submits that petitioner has not been cooperating during the course of investigation as he has not got recovered the golden jewellery.

5. Faced with the situation, learned counsel for the petitioner

contends on 14.10.2020, the complainant had left the matrimonial house and she carried her articles of jewellery with her. A complaint was also submitted by him on 15.10.2020 at Police Station Mehrauli, Delhi in this regard. The petitioner is not in possession of any article of the *istridhan* of the complainant.

6. Be that as it may be, the controversy as to whether the petitioner was entrusted with any article of *istridhan* and has misappropriated the same would be debatable and moot point during the course of trial.

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

8. The petition is allowed.

21.11.2023
neeraj

(VIVEK PURI)
JUDGE

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