

2023:PHHC:149328

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

CRM-M-41047-2023 (O&M)

Date of Decision: 23.11.2023

HARPREET

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Deepak, Advocate for
Mr. Subhash Kumar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 31.08.2023, the following order was passed by the
Coordinate Bench of this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.74 dated 24.06.2023, under Sections 406, 498-A and 323 IPC, registered at Police Station Women, District Police Commissionerate Jalandhar (Annexure P-4).

Learned counsel for the petitioner inter alia submits that the petitioner was married respondent No.2/complainant on 22.12.2019. Thereafter, he went to Dubai in March, 2020 for job purposes. When the petitioner's father expired on 25.12.2020, the petitioner came back, and again returned to Dubai again in March, 2021 to his job. Learned counsel states that a perusal of Annexure P-1 reveals that in the interregnum, the petitioner has been regularly sending money to respondent No.2/wife/complainant. He further submits that thereafter, when the mother of the petitioner expired on 23.08.2022, the petitioner again returned to India on 24.08.2022. After that respondent No.2 started harassing the petitioner to transfer his share of the inherited property in her name and as the petitioner was not acquiescing, the present FIR has been registered on 24.06.2023.

Learned State counsel per contra submits that injuries were inflicted upon the complainant by the petitioner however, admits the same are simple in nature.

Learned counsel for the petitioner states that the said injuries are self-inflicted. Learned counsel further states that the petitioner is ready to join the investigation.

I have heard learned counsel for the parties.

Adjourned to 23.11.2023.

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 interim 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.:-

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

2. 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;

3. 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. Learned counsel for the petitioner contends that the petitioner is not in possession of any article of istridhan/jewellery of the complainant. In pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Shishpal Singh, submits that she does not intend to file any affidavit/status report. Recovery of 05 tolas of golden jewellery is to be effected. However, the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

4. Be that as it may, the controversy as to whether 5 tolas of golden jewellery was entrusted to the petitioner and has been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of interim directions and his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

5. Accordingly, order dated 31.08.2023, vide which the petitioner has been granted interim bail, is made absolute.

23.11.2023

smriti

Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable: Yes/No