

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42668-2022

Date of Decision: 03.07.2023

GURINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Arora, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Sukhbir Maandi, Advocate for respondent No.2.

* * * *

VIVEK PURI, J. (ORAL)

1. On 11.10.2022, following order was passed:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.48 dated 23.05.2022, registered under Sections 406/498-A IPC, 1860 at Police Station Bhikiwind, District Tarn Taran.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 07.11.2019 and a daughter has been born from the wedlock. It was second marriage of both the parties. Even, in the complaint submitted to the police authorities, respondent No.2 has specifically mentioned that she wants to rehabilitate in her matrimonial house. Even, the petitioner is ready and willing to amicably settle the matrimonial dispute. With regard to the transfer of an amount of Rs.2,00,000/- in the bank of the petitioner, it has been submitted that the father-in-law of the petitioner had handed over an old car to be used by the petitioner and respondent No.2. The relations between the parties were cordial at that point of time. Subsequently, the car was sold and the amount of Rs.2,60,000/- was transferred by the purchaser of the car in the bank account of the father-in-law of the petitioner. Subsequently, the father-in-law of the petitioner transferred the amount of Rs.2,60,000/- in the bank account of the petitioner. The said amount has been transferred back in the account of the father-in-law on 01.10.2022.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 01.11.2022.

To await the report, list on 24.02.2023.

However, the petitioner shall pay a sum of Rs. 30,000/- to respondent No.2/complainant on her appearance before the Mediation and Conciliation Centre of this Court to facilitate her presence and participation during the course of mediation proceedings.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and furthermore, the matter could not be settled during the course of mediation.
3. Learned State counsel, on instructions from ASI Sukhwinder Singh, has also submitted that the petitioner has joined the investigation and his custodial interrogation is not required.
4. Learned counsel for the complainant contends that recovery of articles of Istridhan is yet to be effected.
5. 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. The petitioner has joined the investigation and his custodial interrogation is not required.
6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.10.2022 is made absolute.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No