

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

**CRM-M-41576-2023
Date of decision: 15.11.2023**

GULAB SINGH @ GULAB

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Mandeep Kumar Dhot, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1. On 23.08.2023, the following order was passed by the Co-ordinate 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.8 dated 22.7.2023, under Sections 406, 498-A and 494 IPC, registered at Women Police Station, Sangrur.

Learned counsel for the petitioner inter alia submits that the petitioner before this Court is father-in-law of the complainant/ respondent No.2 herein. He submits that the complainant was married to the son of the petitioner, namely, Suresh Gautam, on 11.5.2018 and has been living at her parental home since 09.05.2019. No child is stated to be born out of the said wedlock. The son of the petitioner is an officer in the Merchant Navy. It is submitted that in view of the fact that the complainant is living at her parental home since less than one year after the marriage, reveals that the allegations made against the petitioner in the FIR are false and fabricated. It is submitted that the complainant has also filed an application under Section 125 Cr.P.C., which has been allowed vide order dated 10.12.2020 by the learned Judicial Magistrate 1st Class, Sangrur and in compliance of the said order, the son of the petitioner is

paying Rs.5000/- per month as interim maintenance to the respondent No.2 herein. Even otherwise, learned counsel for the petitioner submits that the petitioner is ready to join the investigation and undertakes to cooperate in the same.

Notice of motion.

On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to file detailed status report in the matter.

Adjourned to 09.11.2023.

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.:-

- 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. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions and furthermore, all the articles of *Istri Dhan* that were in his possession have been handed over to the Investigating Agency.

3. On instructions from ASI Avtar Singh, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is

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not required.

4. Learned counsel for the complainant submits that the cash to the tune of Rs.2,50,000/- is yet to be recovered.

5. Faced with this situation, learned counsel for the petitioner contends that family of bride was from Sangrur and the marriage was to be solemnized at Panipat i.e native place of the bride groom. It was settled that the expenses or account of tentage and catering shall be shared equally by both the parties. The expenses were to the tune of Rs.5,00,000/- and the amount of Rs.2,50,000/- was paid to the family of petitioner on account of their share in the expenses.

6. Be that as it may, the controversy as to whether the articles of *Istri Dhan* 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. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

7. In view of the aforesaid submissions, the order dated 23.08.2023, granting interim bail to the petitioner is made absolute.

8. The petition is allowed.

15.11.2023

*renubala***(VIVEK PURI)**
JUDGE

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