

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43198-2023
Date of decision: 14.11.2023

ISHU GOYAL

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, DAG, Punjab.

Mr. Mayur Karkra, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.0056 dated 19.07.2023, under Sections 498-A read with Section 34 IPC (later on added offences under Sections 323, 406 IPC) registered at Police Station Women, District Patiala.

2. On 31.08.2023, the following order was passed:-

“The petitioner herein seeks the relief of pre-arrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.0056 dated 19.07.2023 registered at Police Station Women, District Patiala, under Section 498-A read with Section 34 IPC (wherein the offences under Sections 323 & 406 IPC are stated to have been added later-on).

Learned counsel for the petitioner, inter-alia, contends that it is the complainant-wife who is not willing to reside with the petitioner and has got him (petitioner) falsely implicated in the criminal case under reference and in fact,

the petitioner has never ever subjected her to cruelty nor has raised any demand of dowry and moreover, he is ready to join in the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has put in appearance in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks time to get proper and complete instructions qua this matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 14.11.2023.

At this stage, Mr. Mayur Karkra, Advocate, has also appeared on behalf of the complainant in this petition and has submitted his Power of Attorney in the Court today and the same has been placed on the file.

The petitioner is directed to join in the investigation on 11.09.2023 at 10:00 a.m sharp and in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so even after 11.09.2023 and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation. The petitioner is not in possession of any article of Istridhan as it was a love marriage that was solemnized between the petitioner and the complainant. The parents of the complainant had even not participated at the time of marriage.

4. On instructions from HC Paramjit, learned State counsel submits that the petitioner has joined the investigation but recovery of 11 tolas of golden jewellery is yet to be effected.

5. Learned counsel for the complainant has also opposed the bail application on the score that there are allegations with regard to beatings given to the complainant and recovery is yet to be effected.

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 31.08.2023 granting interim bail to the petitioner is made absolute.

8. The petition is allowed.

14.11.2023
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(VIVEK PURI)
JUDGE

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