

Date of decision: 15.11.2023

VERSUS

...RESPONDENTS

Learned counsel for the petitioner, inter alia, submits that marriage of the petitioner with respondent No. 2/complainant was solemnized on 11.05.2018. No child was born out of the said wedlock. It is submitted that the allegations regarding demand of dowry and alleged maltreatment/harassment at the instance of the petitioner are patently false. It is submitted that the petitioner is an Officer in the Merchant Navy, and the complainant has been living in her parental home, shows that the allegations in the FIR are untrue. Respondent No. 2/complainant had left the matrimonial home on 09.05.2019; whereas the present FIR was lodged on 22.07.2023 i.e. after around 04 years. Father of the petitioner/father-in-law of respondent No. 2/complainant has already been granted the concession of interim bail by this Court vide order dated 23.08.2023

(Annexure P-12). Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Ms. Kanica Sachdeva, AAG, Punjab, accepts notice on behalf of respondent-State; whereas Mr. M. K. Dhot, Advocate, who is present in Court, accepts notice on behalf of respondent No. 2/complainant and submits his Vakalatnama, which is taken on record.

Learned counsel for the State, as also learned counsel for respondent No. 2/complainant have vehemently opposed the submissions of learned counsel for the petitioner and submitted that the allegations levelled against the petitioner in the FIR are of serious nature.

At this stage, learned counsel for the petitioner submits that the matter may be referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement between the parties.

Learned counsel for respondent No. 2/complainant submits that the complainant is also ready for mediation.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 25.09.2023 at 10:00 A.M.

Adjourned to 30.10.2023, awaiting report of the Mediator.

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

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affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

3. As per the report of the Mediator, despite best efforts, the parties could not reach to any amicable settlement.
4. 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.
5. On instructions from ASI Avtar Singh, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.
6. Learned counsel for the complainant submits that the cash to the tune of Rs.2,50,000/- is yet to be recovered.
7. 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 by the complainant party to the family of the petitioner on account of their share in the expenses.
8. 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

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9. In view of the aforesaid submissions, the order dated 13.09.2023, granting interim bail to the petitioner is made absolute.

10. The petition is allowed.

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(VIVEK PURI)
JUDGE

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