

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45508-2023
Date of Decision: 31.10.2023

SATNAM SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pardhuman Garg, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Sunil Garg, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On 13.09.2023, following order was passed:

“Prayer in this first petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 0060 dated 25.07.2023 registered under Sections 406/498-A IPC at Police Station Women, Patiala.

Learned counsel for the petitioner, inter alia, contends that the marriage of petitioner with complainant/wife was solemnized on 10.07.2016. Out of the said wedlock one girl child was born on 29.10.2017, who is currently in the care and custody of the complainant/wife. Learned counsel contends that allegations levelled in the FIR are false and fabricated. It is contended that the complainant had left the matrimonial home on her own accord on 09.11.2022 and she also took away all her jewellery along with her, therefore, the sole ground taken by the learned Additional Sessions Judge, Patiala, while dismissing the petitioner’s application seeking anticipatory bail vide impugned order dated 05.09.2023 that ‘for recovery of dowry articles including jewellery custodial interrogation of the applicant is required’, is factually incorrect. Learned counsel further contends that out of the dowry articles only some furniture and utensils etc. are lying with the petitioner and he is ready to return the same to the complainant-wife. 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.

Adjourned to 20.10.2023.

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 along with the details of pending FIRs, if any, on or before the next date of hearing.”

2. Status report by way of affidavit of Karnail Singh, Deputy Superintendent of Police, PBI, District Patiala, on behalf of the State has been taken on record.

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and recovery of articles of *Istridhan* which were in possession of the petitioner has been effected on 10.10.2023 and he is not possession of any other article of *Istridhan*.

4. Learned State counsel, on instructions from HC Rahul Kumar, has submitted that the petitioner has joined the investigation and the recovery of the household articles has been effected on 10.10.2023 but learned counsel for the complainant contends that recovery of about 8 tolas

of golden jewellery is yet to be effected.

5. On a query, learned State counsel submits that the aspect of non-recovery of golden jewellery has not been specifically mentioned in the status report.

6. 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 in pursuance of the interim directions issued by this Court.

7. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.09.2023 is made absolute.

31.10.2023

Janki

(VIVEK PURI)
JUDGE

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