

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54434-2022

Date of Decision: 12.07.2023

TONY

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arihant Jain, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Rajesh K. Chaudhary, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. On 23.11.2022, following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 140 dated 11.09.2022 under Sections 406 and 498-A IPC registered at Police Station Lalru, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 14.02.2020 and a son has been born from the wedlock, who is in the custody of the complainant. It was a love marriage without exchange of dowry articles. Even at the earlier instance, there were some disputes and the matter was amicably settled with the intervention of the Panchayat. The complainant had left the matrimonial home on 09.11.2021. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for Restitution of Conjugal Rights. The complaint, on the basis whereof FIR has been registered, has been submitted as a counter blast thereto. The allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The petitioner is ready and willing to amicably settle the dispute.

On the oral request of learned counsel for the petitioner, complainant i.e. Satwinder Kaur daughter of Sant Singh, resident of village Kurli, Lalru, District SAS Nagar is impleaded as respondent No.2. Registry to carry out the necessary correction in the memo of parties.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of respondent(s)-State.

The parties are directed to appear before the Mediation

and Conciliation Centre of this Court on 19.12.2022.

The petitioner shall also pay a sum of Rs.30,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 24.03.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. As per the report received from the Mediation and Conciliation Center, the matter could not be amicably settled between the parties.
3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and he is not in possession of any articles of *Istridhan*.
4. Learned State counsel has submitted that the petitioner has joined the investigation and his custodial interrogation is not required but some household articles and 10 tolas of golden jewellery is yet to be recovered.
5. However, on a query, learned State counsel, on instructions from ASI Major Singh, submits that no bills with regard to said articles have been submitted by the complainant/respondent No.2..
6. Learned counsel for the complainant/respondent No.2. has opposed the bail application on the score that recovery of articles of *Istridhan* is yet to be effected.
7. It is significant to note that 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.
8. It has been specifically and categorically stated by the learned

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State counsel that no bills with regard to articles of *Istridhan* have been provided by the complainant. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and his custodial interrogation is not required.

9. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.11.2022 is made absolute.

12.07.2023

Janki

(VIVEK PURI)
JUDGE

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