

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

**CRM-M-59295-2022 (O&M)
Date of Decision: 03.07.2023**

**VARINDERPAL SINGH
V/S
STATE OF PUNJAB**

**... PETITIONER
... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikram Preet Arora, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. G.S.Virk, Advocate for the complainant/applicant.
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VIVEK PURI, J. (ORAL)

CRM-7714-2023

1. This is an application for placing on record the copy of the FIR and the photographs as Annexures A-1 and A-2, respectively filed on behalf of the applicant/complainant.
2. Notice in the application.
3. By recording no objection from counsels opposite, the same are taken on record.
4. Registry is directed to tag the same at the appropriate place.
5. Disposed of.

Main case

6. Petitioner is seeking anticipatory bail in case bearing FIR No. 137 dated 01.12.2022 under Sections 406, 498A IPC registered at Police Station Women, District Ludhiana.

7. On 19.12.2022, following order was passed by the Co-ordinate

Bench:

“Mr.Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent -State. Copy of the petition be supplied to him during the course of the day.

Adjourned to 02.02.2023.

Arrest of the petitioner is stayed subject to joining of investigation till the next date of hearing.

Status report be filed on or before the adjourned date.

Parties to appear in the Court on the next date of hearing.”

8. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 26.10.2019 and a son has been born from the wedlock who is in the custody of the complainant. The complainant had left the matrimonial home of her own accord. Moreover, in pursuance of the interim directions, the petitioner has joined the investigation. The petitioner is not in possession of any articles of Istridhan and co-accused i.e. the mother of the petitioner has been granted anticipatory bail. Subsequent to the registration of the present FIR, another FIR No. 20 dated 28.01.2023 under Sections 354D, 506 IPC and Section 66(c) of the Information Technology Act was registered at Police Station Sarabha Nagar, Annexure A-1 at the instance of the complainant. The petitioner has been granted anticipatory bail even in that case.

9. Learned State counsel, on instructions from ASI Harjinder Singh, has also submitted that in pursuance of the interim directions, the petitioner has joined the investigation and the custodial interrogation of the petitioner is not required.

10. Learned counsel for the complainant has opposed the bail application on the score that subsequent to the registration of the present FIR, another FIR has been registered against the petitioner and the recovery of articles of Istridhan is yet to be effected.

11. Be that as it may, the petitioner has been granted anticipatory bail in another case which has been registered against him at the instance of the complainant. Moreover, 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 and his custodial interrogation is not required.

12. In these set of circumstances, the present petition is allowed and it is directed that in the event of arrest, the petitioner be released on bail to the satisfaction of the arresting officer and this order shall be further subject to the condition that the petitioner abides by the conditions as stipulated under Section 438(2) of the Cr.P.C.

03.07.2023

Janki

**(VIVEK PURI)
JUDGE**

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