

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

285

CRM-M-11419-2023 (O&M)
Date of decision: 11.01.2024

Sourav Kumar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Nitin Narula, Advocate
for the petitioner.

Mr. R. S. Khaira, DAG, Punjab.

Mr. Vishavjeet Singh Rishi, Advocate
For respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 006, dated 17.01.2023, under Sections 406 and 498-A of the IPC at Police Station Women, Police Commissionerate Ludhiana.
3. Vide order dated 03.03.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Thereafter, vide order dated 19.04.2023, on the joint request of learned counsel for the parties that there was a possibility of an amicable settlement between the parties, the matter was referred to Mediation and Conciliation Centre of this Court. However, the mediation has failed. On 02.11.2023, learned State counsel had sought time to get instructions as to whether the bills submitted by the complainant had been verified or not.

4. Learned State counsel, assisted by learned counsel for the complainant, on instructions from the Investigating Officer, states that the petitioner has joined the investigation and he is not required for custodial interrogation. However, learned counsel for respondent No. 2/complainant has submitted that the petitioner has not yet fully returned the dowry articles to the complainant.

5. The parties have been making allegations/counter allegations against each other with regard to recovery/non-recovery of the *Istridhan* of the complainant. It is a matter of trial to see whether any *Istridhan* of the complainant was entrusted to the petitioner and he had criminally misappropriated or converted the same to his own use or not. The well settled position of law is that the benefit of bail cannot be denied to a husband in such like proceedings only on account of non-recovery of dowry articles. The custodial interrogation of the petitioner is not required. Keeping in view the nature of the offences, for which, he has been booked and also the fact that he has joined investigation, without commenting on the merits of the case, the present petition is allowed and the order dated 03.03.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

11.01.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No