



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-35259-2023 (O&M)

Date of Decision:-06.02.2025

Harsh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

Mr. P.S. Bajwa, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.46 dated 02.06.2023 under Sections 498-A and 406 of IPC, registered at Police Station Women, District Patiala.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the marriage between the petitioner and complainant took place in the year 2022 and after a few months of marriage, a matrimonial discord occurred, leading to registration of the present FIR dated 02.06.2023. He submitted that efforts were made for reconciliation through the mediation process, but the same has failed. Thereafter, this Court also sent the case to



the Counsellor of the High Court Legal Services Committee and despite the efforts being made by the Counsellor, the same also failed. He submitted that the allegations in the present FIR pertain to cruelty and entrustment of property. He further submitted that when this case came up for hearing on 24.07.2023, an interim order was passed by this Court, directing that in the event of the petitioner's arrest, he shall be released on interim bail till the next date of hearing. Thereafter, the aforesaid interim order was continued since the matter was sent to the Counsellor of the High Court Legal Services Committee, appointed by this Court.

3. He further submitted that in pursuance of the aforesaid order, the petitioner has already joined the investigation and has fully cooperated with the investigation process. Learned counsel further submitted that not only the petitioner has cooperated with the investigation process but he and his family members have returned all the articles which were stated to be *stridhan* of the complainant-wife and regarding the same even three recovery memos were also prepared which mentioned all the articles at the time of investigation of the case when he joined the investigation. In this way, all items have been returned to the complainant and it is prayed that the interim order granting interim anticipatory bail to the petitioner be confirmed.

4. Learned State counsel submitted that he has sought instructions to state that the petitioner has joined the investigation in pursuance of the aforesaid order passed by this Court and he has also cooperated the investigation process. He further submitted that almost all the articles have been returned to the complainant during the process and recovery memos



were prepared except for 07 *tolas* of gold which is still left to be recovered. He also submitted that the petitioner is not required for custodial interrogation.

5. Learned counsel appearing on behalf of the complainant submitted that it is a case where the petitioner has committed cruelty upon the complainant and so far as the mediation and counselling process is concerned, he submitted that the same were not fruitful. He also submitted that an injury was caused to the complainant's knee when she was pushed from the stairs. He further submitted that not all the gold items have been returned to the complainant.

6. I have heard the learned counsels for the parties.

7. This Court while issuing notice had granted interim bail to the petitioner and as per learned counsel for the petitioner and learned State counsel, the petitioner joined the investigation and he also cooperated the investigation process. It has been specifically stated by learned State counsel that he is not required for custodial interrogation. So far as the entrustment of the articles and gold items are concerned, as per learned counsels for the parties, three recovery memos were prepared. As per learned counsel for the petitioner all the articles and gold items have been returned, whereas as per learned State counsel 07 *tolas* of gold is still left to be recovered.

8. After hearing learned counsels for the parties, this Court is of the considered view that, even if assumingly 07 *tolas* of gold is still left to be recovered, that would not disentitle the petitioner from being granted anticipatory bail because it involves the liberty of an individual.



9. Considering the aforesaid stand taken by learned State counsel, the present petition is allowed.
10. Order dated 24.07.2023 passed by this Court, is made absolute.

(JASGURPREET SINGH PURI)
JUDGE

06.02.2025

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