



CRM-M-44083-2024

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

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**CRM-M-44083-2024  
Date of Decision: 24.04.2025**

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Manpreet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. A.K. Khunger, Advocate for the petitioner.

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

Mr. Rakesh Gupta, Advocate for respondent No.2.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in FIR No.0049, dated 03.07.2024, under Sections 406 & 498-A IPC, registered at Police Station Women, District Patiala.

2. Amended memo of parties is taken on record.

3. Learned counsel for the petitioner submitted that in the present case the matrimonial dispute arose between the petitioner and respondent No.2 and when notice of motion was issued on 09.09.2024, keeping in view the facts and circumstances of the present case, the parties were directed to appear before the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement and the petitioner was also directed to pay a cost of ₹30,000/- to respondent No.2/wife towards litigation expenses and the same has already been paid to her and the matter went to the Mediation Centre but it failed. On the aforesaid date, it was also directed that the arrest of the petitioner shall remain stayed. He further submitted that after the mediation and

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conciliation proceedings failed, another order was passed by this Court on 09.01.2025 whereby the petitioner was directed to join the investigation and to co-operate with the investigation process and in pursuance of the aforesaid order, he has joined the investigation and has fully co-operated with the investigation process and since the matrimonial dispute has not been settled and the petitioner is still ready and willing to join the investigation in case in future he is called for to join the investigation, the order by which the petitioner was granted interim bail may be made absolute considering the aforesaid facts and circumstances of the case.

3. On the other hand, Mr. P.S. Bhandari, learned AAG, Punjab has submitted on instructions from H.C. Rahul Kumar that in pursuance of order passed by this Court on 09.01.2025, the petitioner has already joined the investigation and has also co-operated with the investigation process except the fact that as per the complainant, 20 tolas of gold items which were given to the family of the petitioner have not been returned.

4. Mr. Rakesh Gupta, learned counsel for respondent No.2 submitted that although the mediation has failed but the petitioner is not entitled for grant of anticipatory bail because he has not returned 20 tolas of gold items which were given at the time of marriage and also submitted that the petitioner has been threatening respondent No.2 and earlier an FIR was also lodged in this regard and therefore, he does not deserve the concession of anticipatory bail.

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

6. After the arrest of the petitioner was stayed by this Court on 09.09.2024 and a direction was also issued by this Court to the parties to appear before the Mediation and Conciliation of Centre of this Court for exploring the possibility of an amicable settlement but as per the learned counsels for the parties, the mediation has failed. The costs of litigation expenses have already

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been paid by the petitioner to respondent No.2/wife. Learned State Counsel has already stated on instructions that the petitioner has joined the investigation and has also co-operated with the investigation process except that the gold items constituting 20 tolas have not been returned to the complainant. A perusal of the FIR would show that there was an allegation made against the petitioner and also his family members with regard to entrustment of 20 tolas of gold items but at the same time, efforts were made to arrive at an amicable settlement and on request made by learned counsels for the parties, the matter was sent to the Mediation and Conciliation Centre of this Court, but the same could not become fruitful. Therefore, this Court would strike a balance between the freedom of the petitioner, who is the husband on the one hand and the alleged role of the petitioner and also the fact that as per the complainant, 20 tolas of gold items have not been returned back on the other hand. This Court is of the considered view that some golds items as alleged to be entrusted with the family of the petitioner which have not been returned, the same cannot become a ground for denial of anticipatory bail because freedom of an individual is at stake and it cannot be curtailed because of alleged non-recovery of 20 tolas of gold if at all. Even otherwise also, it is the matrimonial dispute between the parties and therefore, the freedom of the petitioner would be a dominant factor as compared to the aforesaid non-recovery of some gold items which will serve as subservient factor. Therefore, this Court deems it fit and proper to grant anticipatory bail to the petitioner.

7. Consequently, the present petition is allowed and the order dated 09.01.2025, is hereby made absolute.

**24.04.2025***Bhumika***(JASGURPREET SINGH PURI)  
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |