

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

CRM No. M-18862 of 2017 (O&M)

Date of Decision: 04.10.2017.

Pawanpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Bhoop Singh, Advocate,
for the applicant-petitioner.

Ms. Gulnoor Ghuman, AAG Punjab.

Mr. RVS Chugh, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

CRM No.29673 of 2017

This is an application for amendment of the petition seeking addition of offence under Section 406 IPC in the petition.

It is contended that the Section 406 IPC could not be mentioned in the head note and prayer clause of the petition as the same was added subsequently. It is further contended that the petitioner has joined the investigation and recovery of dowry articles has already been effected.

This Court in **Manjit Kaur vs. State of Punjab** **(P&H) 2013(4) RCR (Criminal) 250** held that when a person has been arrested on account of allegations made in the FIR and

released on bail, the position will not change simply by adding a new Section of non-bailable offence nor the police can re-arrest him.

In view of above, the application is allowed. The order dated 02.06.2017 passed by this Court allowing joining of investigation shall be deemed to include offence under Section 406 IPC as well.

Main case

The present petition has been filed under Section 438 Cr.P.C seeking anticipatory bail in case FIR No. 93 dated 09.05.2017 registered under Sections 498-A, 323, 506 and 406 IPC at Police Station Sahenwal, District Ludhiana.

On 02.06.2017 this Court had passed the following order:-

“Mr. R.V.S.Chugh, Advocate representing the complainant was present at the time of hearing in the morning but later he is not present in the Court.

Counsel for the petitioner would submit that the petitioner is ready to settle the dispute either way. He is agreeing to deposit some money for the minor child of the petitioner.

Be listed on 17.08.2017.

The petitioner is directed to deposit an amount of Rs.1,00,000.00 for the minor child in the registry of the Court within a period of 20 days. After making necessary deposit, he shall join investigation within a period of five days from the date of deposit. On his appearance before the Investigating Officer, he shall be released on interim bail subject to the following conditions;-

i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) he shall not leave India without previous permission of the Court. ”

It is contended that in pursuance of the order dated 02.06.2017, the petitioner has joined the investigation. The recovery of dowry articles has already been effected.

Learned State counsel, on instructions, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of above, the order dated 02.06.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

04.10.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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