

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

**Crl. Misc. No. M-2315 of 2016
Date of decision :- 09.03.2017**

Rajni BhandariPetitioner

versus

State of Punjab & anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Dadwal, Advocate
for the petitioner

Ms. Manpreet Dhaliwal, AAG, Punjab

Ms. Mahima Yashpal, AAG, Haryana

Mr. Vivek Salathia, Advocate for respondent No. 2

RITU BAHRI, J. (Oral)

Prayer in this petition is for cancellation of bail granted to respondent No. 2 vide order dated 13.07.2015, in FIR No. 154 dated 08.09.2014, registered at Police Station E Division Amritsar, Distt. Amritsar, who has been booked for having committed the offence punishable under Section 498-A/406 IPC.

On notice, a reply dated 18.07.2016 has been filed by the State stating therein that initially the case was registered against Nirmala Bhandari (mother-in-law), Deepika Sadana (sister-in-law) and respondent No. 2-Pushkar Bhandari. However, during the course of investigation, Nirmala Bhandari (mother-in-law) and Deepika Sadana (sister-in-law) were granted anticipatory bail by the Court below and they joined

investigation and had handed over some dowry articles to the investigating officer. Thereafter, the bail application of respondent No. 2 was dismissed. Accordingly, respondent No. 2 approached this Court vide CRM-M-37245 of 2014, which was dismissed as withdrawn on 13.02.2015 by giving liberty to respondent No. 2 to approach the Commissioner of Police, Amritsar to take decision regarding his arrest in view of the principles laid down by Hon'ble the Supreme court in a case of ***Arnesh Kumar vs. State of Bihar and another, 2014(3) RCR Crl 527***. In pursuance of provisions of Section 41(A) Cr.P.C and the principles laid down by Hon'ble the Supreme court in ***Arnesh Kumar's case (supra)***, respondent No. 2/accused was issued notice to join the investigation of the instant case, who complied with the same and joined investigation on 14.05.2015. He was arrested and thereafter, was released on personal bond and surety bonds with a direction to appear before the police and the learned Court as and when called for. Thereafter, during the course of inquiry, Deepika Sidana was found innocent and the challan under Section 498-A IPC was presented against respondent No. 2 and his mother on 13.07.2015. The accused furnished their bail bonds and they were released on bail. Now the case is pending for trial in the Court of learned Additional Chief Judicial Magistrate, Amritsar, in which charges have been framed, statements of prosecution witnesses have been recorded and next date is fixed for 05.08.2016.

Learned State counsel on instruction has informed that charges have been framed under Section 498-A IPC and out of 17

witnesses, only examination in chief of the complainant has been recorded so far.

Learned State counsel has further informed that from mother-in-law and sister-in-law of the petitioner, recovery of one LCD, A.C and one pair of gold ear-rings has been effected.

Further, in compliance of order dated 30.09.2016, State of Haryana and State of Punjab have filed their separate reply.

An affidavit dated 01/02.03.2017 of Yadwinder Singh, ACP, Central Amritsar has been filed reiterating the facts mentioned in the reply dated 18.07.2016.

Further affidavit of Nitin Kumar Yadav, Secretary to Government was filed who stated that State Government has issued necessary instructions dated 29.09.2014 (R-2/1) for strict compliance of the said directions of Hon'ble the Supreme Court to all concerned officers/officials.

Similarly an affidavit of J. Elanchezhian, IPC, D.C, Amritsar has been filed stating therein that the directions issued by Hon'ble the Supreme Court in Arnesh Kumar's case (supra) have been circulated by the Commissioner of Police, Amritsar in detail to all the concerned field police units falling within police Commissionerate, Amritsar for its meticulous compliance by the Investigating Officers while carrying out investigation of the cases registered under Section 498-A IPC or Section 4 of Dowry Prohibition Act. The copy of order is dated 15.08.2014 (R-1/T).

Thus, once in the present case, the investigating agency has

followed the principles laid down by Hon'ble the Supreme court in *Arnesh Kumar's case (supra)*, no case is made out for cancellation of bail granted to respondent No. 2, vide order dated 13.07.2015.

In view of the above, the petition is dismissed.

Further State of Punjab and State of Haryana are also complying with the principles laid down by Hon'ble the Supreme court in *Arnesh Kumar's case (supra)*, as per the affidavits mentioned above.

09.03.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No