

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

Crl. Misc. M-43619 of 2017 (O&M)
Date of Decision: September 06, 2018.

Raman Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jatinder Pal Singh, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. J.S. Grewal, Advocate
for the complainant-respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.102 dated 27.09.2017 registered under Sections 406, 498-A and newly added Section 420 of IPC of the Indian Penal Code at Police Station City-II, Abohar.

Learned counsel for the petitioner contends that two inquiries have been held in the matter and it is categorically held that there is no demand of dowry and, in fact, the dispute between the complainant-respondent No.2 and the petitioner herein arose on account of a suspicion

that there is an illicit relationship between him and his maternal aunt. It is also argued that the petitioner herein in terms of an order dated 17.11.2017 has joined the investigation.

Learned counsel appearing on behalf of the complainant-respondent No.2 has opposed the grant of anticipatory bail, while also contending that the maintenance that had been awarded under Section 24 of the Hindu Marriage Act has not been paid.

Learned counsel appearing on behalf of the respondent-State submits that the petitioner has joined investigation and he is not required for any custodial interrogation.

The learned counsel for the petitioner has further contended that the petitioner herein has handed over a sum of ₹68,000/- to the complainant, which is in lieu of part payment towards the maintenance amount assessed under Section 24 of the Hindu Marriage Act, while submitting that earlier too an amount of ₹30,000/- had been paid to the complainant-respondent No.2. It is also contended that only a sum of ₹22,000/- remains to be paid and the same will be paid to her within a period of 10 days.

I have heard learned counsels for the parties and also perused the relevant record.

It has come on record that most of the dowry articles have been returned. However, there is nothing on the record that the gold articles have been recovered. This is a matter of evidence that whether there was any entrustment of gold or the same has been recovered.

In view of the facts that the petitioner is not required for

custodial interrogation and has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 17.11.2017 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i) (ii) and (iii) of the Code of Criminal Procedure. While parting with the judgment, it is made clear that in case ₹22,000/- towards maintenance pending as on date is not clear within a period of 10 days the complainant-respondent No.2 is at liberty to approach this Court for seeking cancellation of the anticipatory bail granted to the petitioner today.

September 06, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No