

CRM-M-27465-2020

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

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Date of decision: 15.12.2020

Vipin

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. I.S. Pabla, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

None for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

As per the office report, notice issued to the complainant/
respondent No.2-Kafi, wife of the petitioner, has been served through her
maternal uncle. However, none has appeared on her behalf.

Through this petition, the petitioner seeks anticipatory bail in
case bearing FIR No.179 dated 02.08.2020, registered at Police Station
Pillu Khera, District Jind, under Sections 323, 341, 354-A, 498-A, 506,
406, 34 IPC.

This Court, on 11.09.2020, passed the following order:

“Case is taken up for hearing through video
conferencing.

Through the instant petition under Section 438 Cr.P.C.,
the petitioner seeks anticipatory bail in case FIR No.179 dated
02.08.2020 registered under Sections 323, 341, 354-A, 498-A,

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506, 406 and 34 IPC, at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner states that the complainant-Kafi is wife of the petitioner and at present is residing with her maternal uncle Rajbir son of Inder Singh, resident of village Kalwa, Pillu Khera, District Jind, be impleaded as respondent No. 2.

On his oral request, Kafi is impleaded as respondent No. 2. The memo of parties be amended accordingly.

Learned counsel for the petitioner contends that the marriage of the petitioner and complainant was solemnised on 31.10.2017. He further states that the father-in-law, mother-in-law and sister-in-law of the complainant have already been granted bail by the learned trial Court but the bail of the petitioner was dismissed on the ground that the petitioner has not handed over the dowry articles to the complainant.

Learned counsel for the petitioner further submits that if one opportunity is granted to the petitioner, he will hand over all the dowry articles, as per the list provided by the complainant.

Notice of motion.

On the asking of this Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of the respondent-State. He submits that this is the second marriage of the petitioner and the earlier marriage has been dissolved by way of a decree of divorce.

In view of the above, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

Adjourned to 15.12.2020.

It is made clear that if the petitioner fails to hand over all the dowry articles to the complainant, as per the list provided by the complainant, the interim order shall be vacated.”

Learned counsel for the petitioner submits that pursuant to the

order dated 11.09.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from HC Samila, points out that the complainant/respondent No.2-Kafi, wife of the petitioner, had appeared before the Investigation Officer and refused to take the dowry articles back and stated that she wanted to join her matrimonial home.

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A Coordinate Bench of this Court, in case titled 'Bhupinder Singh and others Vs. State of Punjab', 2014(2) RCR (Criminal) 109, held that in the FIR under Sections 498-A and 406 IPC, interim bail cannot be rejected on the ground that dowry article have not been returned.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 11.09.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

15.12.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No