

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-470 of 2022
Date of decision:10.10.2022

Bimla Devi and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sarbjit Singh, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Arshdeep Singh Khaira, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 21.01.2022, this Court passed the following order in the
main case:-

*“Instant petition has been filed under Section 438 of the
Code of Procedure, 1973 for anticipatory bail in FIR No.88
dated 15.12.2021, registered for offences under Sections 498-
A, 406 and 323 of Indian Penal Code, 1860, at Police Station
Purana Shalla, District Gurdaspur.*

*Counsel for the petitioners submits that the petitioners
are the in laws of the complainant and FIR is the result of
bitterness between the couple. By referring to the affidavit*

(Annexure P-4) dated 12.01.2022 of petitioner No.2, counsel submits that without admitting the allegations, the petitioners are willing to return the articles mentioned by them in para 2 of the affidavit, on their joining the investigation.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the State-respondent No.1. Mr. Sarabjit Singh Khaira, Advocate has put in appearance on behalf of the respondent No.2 and has filed Power of Attorney, which is taken on record.

List on 20.04.2022.

Meanwhile, the petitioners shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

The petitioners will return the dowry articles mentioned in the affidavit on the day they join the investigation to Investigating Officer, which will be handed over to the complainant against proper receipt. This will be without prejudice to the right of defence of the petitioners.

Counsel for the petitioners submits that petitioners have joined the investigation and had returned the articles as deposed by petitioner No.2 in his affidavit dated 12.01.2022. Still further, he submits that two other gold articles, which are alleged to be in the possession of the petitioners were sought to be returned, but the complainant refused to accept them on the ground that the articles are not the ones, which are entrusted to the petitioners.

The fact of joining has been verified by State counsel upon instructions from ASI Satpal, though he submits that some more recovery is to be effected from the petitioners.

Keeping in view the fact that most of the recovery has been effected and some of the articles are disputed, this Court is of the view that interim bail granted to the petitioners deserves to be confirmed.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 21.01.2022 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

October 10, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No