

101+205 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2014-2021 (O&M)  
Date of Decision: 17.02.2022

PARDEEP

... PETITIONER

V/S

STATE OF PUNJAB AND ANR.

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H. S. Randhawa, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. K.S. Dadwal, Advocate for the complaint.

*(The case has been taken up through video conferencing on account of Covid-19 pandemic)*

\* \* \*

VIVEK PURI, J. (ORAL)

CRM-1088-2022

The applicant is seeking to place on record the affidavit,  
Annexure P-3.

CRM is allowed and the same is taken on record.

Registry to tag the same at the appropriate place.

CRM-M-2014-2021

On 15.01.2021, following order was passed:

*“The case is taken up through video conferencing on account of COVID 2019.*

*This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 194, dated 21.12.2020 registered under Sections 498 A, 406 IPC at Police Station Sadar, Hoshiarpur.*

*Complainant is wife of petitioner. In the complaint, she stated that she was married with petitioner on 2.9.2017. From the marriage, a girl child was born on*

10.6.2018. The allegations of demand of dowry have been made in the complaint against petitioner, his parents, brother and sister in law. It is specifically alleged that on 16.2.2020, there was a jagrata program at her parents house. On that day, petitioner left complainant at her parents home with a promise that he would take her back after 1 week but he refused to take her back. When complainant said that she is coming back on 23.2.2020, then mother in law, brother in law and sister in law of complainant came to her parents house and started abusing complainant. On 24.2.2020, complainant called her brother in law Sandeep Jaspal who resides in Chandigarh. Sandeep Jaspal allegedly told complainant that everybody is at home and that she should join them at Chandigarh. Complainant alongwith her daughter went to her matrimonial house on 24.2.2020. When she reached Chandigarh, there her brother in law snatched her daughter and petitioner alongwith his parents started altercation with complainant and she was thrown out of matrimonial home. Thereafter, she came back to her parents house and since then she is residing with them.

Learned counsel for petitioner has argued that allegation in complaint against petitioner is that complainant was thrown out of matrimonial home on 24.2.2020 whereas FIR was lodged on 6.8.2020 i.e. after 5 months of alleged incident. Infact, it is complainant who left matrimonial home. Petitioner is taking care of minor daughter. She is presently 2 ½ years. Petitioner is not averse to reconciling of any difference with complainant. He further states that allegations against parents, brother and sister in law of petitioner have been found to be false during police inquiry.

Notice of motion.

Mr. Sarbjit Singh Cheema, AAG Punjab accepts notice on behalf of respondent State.

Adjourned to 31.3.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.

On oral request of learned counsel for petitioner, complainant is arrayed as respondent No. 2 in this case.

Learned counsel for petitioner may file amended memo of parties. On his doing so, let notice be issued to respondent No. 2 for the date fixed.”

Subsequently, it was pointed out by the learned counsel for the

complainant that certain testimonials and fixed deposit receipts were in

possession of the petitioner. On 25.08.2021, the petitioner was again directed to present himself before the Investigating Officer to hand-over the articles, which were in his possession.

On 12.01.2022, on the instructions of ASI Charanjeet Singh, learned State counsel has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

With regard to the testimonials and fixed deposit receipts, the petitioner has placed on record his affidavit to indicate that the same were taken by the complainant when she left the house. The petitioner has also stated that in the event, fresh certificates are to be prepared, he would render all the assistance for that purpose.

In the instant case, the petitioner has joined the investigation in pursuance to the interim directions issued by this court, the recovery of articles is stated to have been effected, the petitioner has joined the investigation and his custodial interrogation is not required. Moreover, the petitioner has also assured to render all assistance in the event the certificates are to be prepared afresh.

As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 15.01.2021, vide which the petitioner was granted interim bail, is made absolute. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

**17.02.2022**  
**manju**

**(VIVEK PURI)**  
**JUDGE**