

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

CRM-M-24155-2021

Date of Decision: 25.02.2022

AMIT KAPIL

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Prateek Pandit, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Jagdish Singh Mahal, Advocate,
for respondent No.2/complainant.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No.58 dated 04.06.2021 under Sections 498-A and 506 IPC, registered at Police Station Dhariwal, District Gurdaspur.

At the earlier instance, the matter was referred to Mediation and arrest of the petitioner was stayed. Subsequently on 13.09.2021, the following order was passed:-

“Learned counsel for the petitioner would contend that the mediation has not been successful. It is also argued that Section 406 IPC has not been invoked in the FIR, hence the custodial interrogation of the petitioner would not be required and he is ready and willing to join the investigation.

Petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction

of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Adjourned to 25.02.2022.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and his mother has been granted pre-arrest bail by the Court of learned Additional Sessions Judge, Gurdaspur.

Learned State counsel, on instructions from ASI Gurdeep Singh, states that the petitioner has joined the investigation and his custodial interrogation is not required.

However, learned counsel for respondent No.2/complainant has opposed the bail application on the score that recovery of dowry articles is yet to be effected.

Learned counsel for the petitioner has pointed out that there are sweeping and vague allegations with regard to dowry items as levelled in the FIR. Moreover, the FIR has not been registered under Section 406 IPC.

The present FIR has been registered on account of matrimonial dispute and the petitioner has joined the investigation. His mother has already been granted pre-arrest bail and there is a categorical statement of the learned State counsel that the custodial interrogation of the petitioner is not required. As such, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 13.09.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

25.02.2022

smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No