

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25033-2022
Date of Decision: 23.11.2022

RAJ KUMAR GUPTA AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Jindal, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Shekhar Verma, Advocate for respondent No. 2.

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VIVEK PURI, J. (ORAL)

On 01.06.2022 following order was passed:

“Petitioners are seeking anticipatory bail in case bearing FIR No. 31 dated 29.04.2022 under Sections 498-A, 506, 511, 34 IPC, registered at Police Station Kalanaur, District Gurdaspur.

Learned counsel for the petitioners contend that the petitioner Nos. 1 and 2 are the father-in-law and mother-in-law respectively of the complainant. The age of the petitioners exceeds 60 years. There is no allegation with regard to demand of dowry prior to or at the time of marriage. The complainant only stayed in the matrimonial house for a period of 19 days and false and vague allegations have been levelled in the FIR.

Notice of motion.

Ms. Bhavna Gupta, DAG Punjab accepts notice on behalf of the State and on the instructions of ASI Harminder Singh, contends that the offence under Section 511 IPC has been deleted.

Adjourned to 14.09.2022.

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

Subsequently, in terms of the order dated 14.09.2022, it was

made clear that the aforesaid order dated 01.06.2022 shall also be construed to have been passed with regard to the offence under Section 406 IPC.

Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court and they are not in possession of any articles of *istridhan*.

Learned State counsel, on instructions from ASI Nirmal Singh, submits that the petitioners have joined the investigation and their custodial interrogation is not required. However, as per the version of the complainant, recovery of about 8 tolas of golden jewellery is yet to be effected.

Learned counsel for the complainant has also opposed the bail application on the score that besides the recovery of golden jewellery some other articles of *istridhan* are required to be recovered.

The controversy as to whether the petitioners have misappropriated the articles of *Istridhan* will be a debatable and moot point during the course of trial. The petitioners have joined the investigation in pursuance of the interim directions issued by this Court and their custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.06.2022 is made absolute.

The petition stands allowed.

23.11.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No