

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206-1)

CRM-M-50122-2021
Date of decision:- 18.10.2022

Baljinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Davinder Singh Khurana, Advocate for the petitioners.

Mr. P.S.Grewal, DAG, Punjab for State-respondent.

Mr. S.S.Virk, Advocate for the complainant.

SUVIR SEHGAL, J. (Oral)

On 15.12.2021, this Court passed the following order in the main case:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.147 dated 09.10.2021, registered for offences under Sections 406 and 498-A of Indian Penal Code, 1860 and Section 4 of Dowry Prohibition Act, 1961, at Police Station Khuian Sarwar, District Fazilka.

Counsel for the petitioners submits that the complainant was married to the son of petitioners on 11.12.2020 and the FIR has been registered as the couple could not pull along due to temperamental differences. By referring to the affidavits, Annexures P-3 and P-4, counsel submits that the petitioners, who are the in-laws of complainant, have specifically deposed that they do not have any objection in case the husband and wife live together and that the petitioners undertake to return the dowry articles mentioned in the affidavits, Annexures P-3 and P-4 on their joining the investigation.

Notice of motion.

On asking of the Court, Mr. Harmandeep Singh Sullar, DAG, Punjab accepts notice on behalf of the respondent-State. He is assisted by Mr. Harpreet Singh Jakhal, Advocate for the complainant.

List on 23.03.2022.

Meanwhile, the petitioners shall join the investigation on 23.12.2021 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 affidavits, Annexures P-3 and P-4 on 23.12.2021, the date when they join the investigation, to the Investigating Officer, who will hand them over to the complainant against proper receipt.”

Counsel for the petitioners submits that the petitioners have returned the articles as deposed in affidavits, Annexures P-3 and P-4, respectively. Still further, he submits that an amount of Rs.50,000/- has been deposited before the Trial Court in deference to order dated 14.09.2022 passed in CRM-M-54295-2021 preferred by Krishan Singh, husband of the complainant. He submits that petitioners have joined the investigation in compliance of the above reproduced order.

The fact regarding the joining of investigation has been affirmed by the State counsel upon instructions received from HC, Sunil Kumar. Though, he submits that recovery of some household goods is yet to be recovered from the petitioners.

Non-recovery of alleged dowry articles cannot be an obstacle in confirmation of interim bail order.

In view of the above facts, but without commenting upon the allegations levelled in the FIR, present petition is allowed.

Order dated 15.12.2021 granting interim bail to the petitioners, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

18.10.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No