

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(206-2)

CRM-M-54295-2021

Date of decision:- 18.10.2022

Krishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Davinder Singh Khurana, Advocate for the petitioner.  
Mr. P.S.Grewal, DAG, Punjab for State-respondent.  
Mr. S.S.Virk, Advocate for the complainant.

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**SUVIR SEHGAL, J. (Oral)**

On 23.12.2021, this Court passed the following order:-

*“Heard through video conferencing.*

*Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case 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, Annexure P-1.*

*Counsel for the petitioner submits that the petitioner is the husband of the complainant and a list of dowry articles, which have been entrusted to the petitioner has been given in Para 08 of the affidavit filed with the petition with an undertaking that the petitioner will return the same on joining the investigation. By referring to order dated 15.12.2021 passed by this Court in CRM-M-50122-2021 preferred by the in-laws of the complainant, counsel submits that the dowry articles mentioned in the affidavits filed by the said petitioners in the earlier petition have been returned by them on their joining the investigation in the morning today.*

*Notice of motion.*

*On asking of the Court, Mr. Ramdeep Pratap Singh, DAG, Punjab, accepts notice on behalf of the respondent-State.*

*List on 23.03.2022.*

*Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of*

*Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.*

*Upon joining the investigation, the petitioner will return the articles mentioned by him in his affidavit dated 22.12.2021 filed by him with the present petition.*

*To be heard with CRM-M-50122-2021.”*

Counsel for the petitioner submits that interim bail granted to co-accused has been made absolute by an order passed on even date and on joining investigation, he has returned the articles as deposited by him in his affidavit. Still further, he submits that despite the fact that the matter was referred to the Mediation and Conciliation Centre of this Court, but no settlement could be effected, the petitioner has, however, deposited a sum of Rs.50,000/- before the Area Magistrate pursuant to order dated 14.09.2022 passed by this Court in lieu of the recovery, which allegedly is still to be effected from him.

Upon instructions received from HC, Sunil Kumar, State counsel submits that the petitioner has joined the investigation and except for some household goods, remaining recovery has been effected.

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

Order dated 23.12.2021 granting interim bail to the petitioners, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Amount of Rs.50,000/- deposited by the petitioner with the Area Magistrate shall be kept in a Fixed Deposit for a period of six months with instructions for automatic renewal. The deposited amount along with

accrued interest shall be paid to the party, who is found entitled to the same on conclusion of trial.

It is clarified that the return of the articles and the deposit of the amount by the petitioner shall be without prejudice to his right of defence.

18.10.2022  
*Kamal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |