

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

279

CRM-M No.2771 of 2023
Date of decision: 18.12.2023

Suraj Saini

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishal Sharma (Vasudeva), Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Harsh Chopra, Advocate,
for respondent No.2-complainant.

MANISHA BATRA, J.

1. Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks grant of anticipatory bail in case FIR No.2, dated 04.01.2023, registered under Sections 323 and 498-A of IPC, at Police Station Anandpur Sahib, District Rupnagar, Punjab.

2. Vide order dated 09.05.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Learned counsel for the petitioner has submitted that an affidavit shown to be sworn by the petitioner has been placed on record as per which all the dowry articles and educational documents belonging to the complainant had already been given to her and there is nothing left in the custody of the petitioner. The petitioner has joined the investigation. Non

recovery of dowry articles is not a ground to deny benefit of anticipatory bail to the petitioner. He has also submitted that the father of respondent No.2 is a police official who is bent upon harassing him and involving him with fake allegations.

4. Learned State counsel states that the petitioner has joined the investigation and he is not required for custodial interrogation.

5. Vakalatnama on behalf of respondent No.2 has been filed at this stage and the same is taken on record. Learned counsel for respondent No.2 has submitted that a kalendra has been filed against the petitioner on the basis of the complaint filed by respondent No.2 as he has misused the concession of interim bail. He has read the contents of that kalendra which are to the effect that after extending benefit of interim bail, the petitioner had tried to meet her somewhere and to exert pressure upon her.

6. Keeping in view the fact that custodial interrogation of the petitioner is not required and all attendant facts and circumstances but without commenting on the merits of the case, the present petition is allowed and the order dated 09.05.2023 granting interim bail to the petitioner is made absolute, subject to the following conditions laid down in Section 438(2) of the Code of Criminal Procedure:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and shall not try

to contact the respondent No.2;

(iii) that the petitioner shall not leave India without the previous permission of the Court.

18.12.2023	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No