

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

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CRM-M-10689-2022

Date of Decision: 20.02.2023

Jitin Grover

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Siddharth Gupta, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by HC Sandeep Singh)Mr. Ranwant Sangha, Advocate for
Mr. Aminder Singh, Advocate for respondent No.2**JAGMOHAN BANSAL, J. (ORAL)**

On 14.03.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0029 dated 10.02.2022, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station City Sangrur, District Sangrur (Annexure P-1).

Counsel for the petitioner contends that the FIR (Annexure P-1), which contains vague and general allegations, is a counter-blast to the petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights (Annexure P-2), which was instituted in September 2021. He submits that the petitioner, who is posted as a Clerk in the office of S.D.M., has been allotted a Government quarter, which is in possession of the complainant and all the household articles are in the quarter. He submits that the custody of the minor child is with the complainant. He has instructions to state that though the mediation proceedings before the Sessions Court remained unsuccessful, but there is still possibility of settlement, which deserves to be explored.

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-respondent No.1. Upon

instructions from ASI, Manjeet Singh, he submits that dowry articles are yet to be recovered from the petitioner.

List on 22.08.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Respondent No.2 be served for the date fixed.”

The parties were directed to appear before Mediation and Conciliation Centre of this Court, however, mediation proceedings could not be fructified.

Learned counsel for the petitioner submits that all the dowry articles which were in the possession of the petitioner stand handed over to the Investigating Officer on 23.07.2022 under proper receipt. The petitioner is a Government Employee and he was staying in a Government accommodation which at present is in the custody of respondent No.2.

Learned counsel for the respondent No.2 submits that recovery of dowry articles is still to be effected.

Learned State counsel, on instructions from HC Sandeep Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required. He further confirms that petitioner has handed over few gold articles to the Investigating Officer.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 14.03.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

20.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>