

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

210

CRM-M-14867-2023

Date of Decision: 27.04.2023

Lovely Sagar Alias Vidya Sagar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Dinesh Mahajan, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Kulwinder Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 23.03.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 33 dated 25.02.2023, under Sections 498A and 406 of IPC, registered at Police Station, Dinanagar, District Gurdaspur.

The case of the prosecution is that complainant lodged a complaint against the petitioner and his family members alleging that marriage of the complainant was solemnized with petitioner on 30.6.2020. Her father spent money on the occasion of marriage as per his capacity. She suffered from typhoid, however, petitioner did not care of her and it was father of the complainant who arranged medical treatment. Her husband used to taunt for bringing small amount of dowry. He was demanding motorcycle

and Rs. 1 lakh. She on 9.9.2021, came to her parental home to attend marriage of her sister, however, petitioner did not permit complainant to join his company thereafter.

Learned counsel for the petitioner inter alia contends that FIR has been registered on 25.02.2023 whereas complainant left company of the petitioner on 9.9.2021. The dispute is primarily on account of joint family. There is no demand of dowry. The parents of the petitioner, during the course of investigation, have been found innocent. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab who is present in court on advance notice, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565 and Arnesh Kumar

V. State of Bihar (2014) 8 SCC 273, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 29.03.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 27.04.2023.

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.”

2. Learned State counsel, on instructions from ASI Kulwinder Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.03.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. 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

27.04.2023
Mohit Kumar

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