

2023:PHHC:143673
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-15622-2023

Date of Decision: 09.11.2023

IBRAN KHAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Atul Kumar, Advocate for
Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab.

Mr. Munish Bhardwaj, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

Report of the mediation Centre has come that the matter is
unsettled.

The petitioner has filed the present petition under Section 438
Cr.P.C. seeking pre-arrest bail in FIR No.27 dated 23.06.2021 registered under
Sections 406, 498-A IPC at Police Station PS NRI, District SAS Nagar,
Mohali.

On 28.03.2023, following order was passed:-

*“It is argued that the complainant had levelled
allegations against the entire family of the petitioner but the
FIR has been registered only against the present petitioner.
It is further pointed out that the anticipatory bail filed by
him is once declined vide order dated 17.02.2023 on the
ground that he did not cooperate with the investigating
agency. Learned counsel for the petitioner has also referred
to the order dated 08.11.2021 (Annexure P-3) vide which
the complainant has already moved application for release
of articles on Sapurdari.*

Notice of motion.

*On the asking of this Court, Mr. Kunwarbir Singh,
Assistant A.G Punjab accepts notice on behalf of the State.*

He pointed out that there are serious allegations against the petitioner regarding maltreatment and giving beating to the victim. It is further pointed out that other articles are yet to be recovered.

Considering, the aforesaid facts, the arrest of the petitioner is stayed subject to the joining of investigation till the next date of hearing.

Adjourned to 11.05.2023.

Learned State counsel is directed to file status report along with the list of dowry articles as well as the recovery, which has already been effected.”

Learned State counsel on instructions from ASI Gurdeep Singh submits that though the petitioner has joined the investigation but he has not returned the gold articles and other articles as per the list provided by the complainant. However, Annexure R-1/1 and R-1/2 is the list of the dowry articles, whereby 17 articles have been taken into the possession from the petitioner and the same have been handed over to the complainant.

During the investigation, it has come to the notice that the gold ornaments are alleged to have been sold by the petitioner and recovery is not possible. Trial is going to take time and the petitioner has already joined the investigation. Therefore, no purpose would be served by sending the petitioner to the custody, as such the order of interim bail dated 28.03.2023 stands confirmed subject to following conditions:-

- (1) The petitioner shall cooperate with the investigation and would appear before the Investigating Officer as and when required.
- (2) The petitioner would not leave India without prior permission of the trial Court.

**(HARPREET KAUR JEEWAN)
JUDGE**

09.11.2023
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No