

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

222

CRM-M-18096-2023

Date of Decision: 25.05.2023

Bhupinder Singh @ Saman**...Petitioner****Versus****State of Punjab and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Shubham Mehta, Advocate for
Mr. Vivek Singla, Advocate for the petitioner

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

Mr. Jugansh Goyal, Advocate for
Mr. Sandeep Singh, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. Considering order dated 17.04.2023 passed by this Court, on
02.05.2023 the following order was passed:-

“On 17.04.2023, the following order was passed:-

*“Through instant petition under Section 438
of Code of Criminal Code, 1973, the petitioner is
seeking anticipatory bail in FIR No.0009 dated
17.02.2023 registered at Police Station Women,
District Bathinda, under Sections 498-A and 406
of Indian Penal Code, 1860.*

*Learned counsel for the petitioner inter alia
contends that marriage of petitioner was
solemnised with respondent No.2 on 15.11.2021.
The grievance of the respondent is that she was
not permitted to continue her study whereas she*

has completed her study even after her marriage. The complainant lodged a complaint against father-in-law, mother-in-law and brother-in-law (jeth) apart from the petitioner and the police has found no substance against mother-in-law and brother-in-law. The petitioner was initially granted concession of interim bail by Sessions Court to facilitate mediation proceedings. The petitioner joined mediation proceedings, however, mediation proceedings could not be fructified. The petitioner is ready to join investigation and returned all the articles which the petitioner is possessing.

Notice of motion.

Mr. Amish Sharma, Asstt. A.G., Punjab, accepts notice on behalf of respondent No. 1-State.

Mr. Sandeep Singh, Advocate has filed his memo of appearance on behalf of the complainant/respondent No.2, which is taken on record and seeks time to file his power of attorney.

Adjourned to 02.05.2023.”

Status report by way of affidavit dated 01.05.2023 of Heena Gupta, P.P.S., Deputy Superintendent of Police, (Crime against Women and Children), Bathinda filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

The petitioner is directed to appear before Investigating Officer on 07.05.2023 at 10:00 AM and join investigation. The petitioner shall hand over all the articles of the complainant to Investigating Officer

which are in his possession. 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 25.05.2023.

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 counsel for the petitioner submits that petitioner has joined investigation and handed over *istridhan* which was in his possession.
3. Learned State counsel, on instructions from ASI Ranjit Singh, submits that petitioner has joined investigation and no custodial interrogation of the petitioner is required. He further submits that various articles including gold articles have been recovered from the petitioner, however, as per statement of learned counsel for the complainant these are partial articles.
4. In the case in hand, the petitioner has admittedly joined the investigation and only contention of the State as well as counsel for the complainant is that partial recovery of *istridhan* is still pending. The

Hon'ble Supreme Court in *Arnesh Kumar V. State of Bihar; (2014) 8 SCC 273* as well as *Social Action Reform Forum For Manav Adhikar and Anr. Vs. Union of India and Others; (2018) 10 SCC 443* has held that bail cannot be denied on the ground of recovery of dowry articles.

5. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 02.05.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

6. 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.

7. 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

25.05.2023
Mohit Kumar

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