

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

203

CRM-M-29072-2021

Date of Decision: 11.05.2023

Mohammad Salman**...Petitioner****Versus****State of Punjab and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. L.S. Sidhu, Advocate for the petitioner

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

Mr. Karanveer Singh, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking grant of anticipatory bail in FIR No.22 dated 23.02.2021 under Sections 498-A & 406 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station City 1 Mansa, District Mansa.

2. By order dated 27.07.2021 of this Court, arrest of the petitioner was stayed and he was directed to join the mediation proceedings.

The mediation proceedings failed and this Court vide order 09.02.2022 directed the petitioner to join investigation.

4. Learned counsel for the petitioner *inter alia* contends that petitioner has already handed over all dowry articles to the Investigating Officer at Mansa, thus, nothing is to be recovered from the petitioner.

3. Learned counsel for the complainant submits that Investigating Officer has not handed over articles to the complainant/respondent No.2 as there is no specific direction of this Court. He further submits that there is no recovery of gold articles.

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

5. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 09.02.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

The Investigating Officer is directed to hand over all articles received from the petitioner to respondent No.2 under proper receipt.

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.

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

11.05.2023

Mohit Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No