

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**203****CRM-M No.26238 of 2022****Date of Decision : 13.09.2023**

Robin

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aman Deep Saini, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Sidhant Mehra, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0032 dated 28.03.2022 under Sections 498-A and 406 of the Indian Penal Code, 1860 registered at Police Station Division No.1, District Pathankot.

2. On 10.06.2022 the following order was passed :

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0032 dated 28.03.2022, under Sections 498-A, 406 of IPC, registered at Police Station Division No.1, District Pathankot.

It has been contended by counsel for the petitioner that the marriage in question took place on 19.10.2020

and thereafter, the matrimonial discord took place between the husband and wife on account of their temperamental differences. He has submitted that the allegations pertaining to the beating given to the complainant and causing harassment on account of dowry are false and frivolous. He has submitted that the petitioner is keen to settle the dispute amicably with his wife if the matter is referred to the Mediation Centre. He further submits that the petitioner has no criminal antecedents. He has also submitted that the co-accused i.e. mother of the petitioner has already been granted anticipatory bail by the Court below.

Notice of motion.

On the asking of this Court, Ms. Sakshi Bakshi, Assistant Advocate General, Punjab accepts notice on behalf of the State.

Learned counsel for the petitioner undertakes to implead the complainant as respondent No.2 in this petition and file amended memo of parties before next date of hearing. Petitioner is directed to pay Rs.15,000/- as litigation expenses to respondent No.2 on her first appearance.

On impleadment of complainant as respondent No.2, notice to her be issued for 09.08.2022.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the

satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

3. An attempt was made at mediation between the parties, however, the same has failed. During the pendency of the petition, learned counsel for the petitioner had pointed out that there is a video footage in which respondent No.2-complainant can be seen taking away all her gold ornaments.

4. Vide order dated 12.07.2023, learned State counsel was directed to get the contents of the video verified. Status report by way of affidavit of Sh. Sumeer Singh, PPS, Deputy Superintendent of Police, Sub Division City, District Pathankot has been filed, which is taken on record. Registry to scan the same and tag at the appropriate place. It has been stated in the status report that the contents of the video have been verified as also the statement

of the complainant dated 05.07.2023 has been got recorded, which has been appended with the status report as Annexure R1/T, wherein she has stated that all the gold ornaments have been returned to her by the petitioner on 12.03.2021.

5. Learned State counsel on instructions from ASI Balkar Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 10.06.2022 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

13.09.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO