

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-29912-2023 (O&M)

Date of Decision: 29.08.2023

Harbir Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sushant Kohli, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

By way of filing the present petition under Section 438 Cr.P.C., the petitioner is seeking anticipatory bail in case FIR No. 29 dated 24.02.2023 (Annexure P-8) registered under Sections 406 and 498-A IPC at Police Station Sultanpur Lodhi, Kapurthala.

On 07.06.2023, this Court had passed the following order :-

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.29, dated 24.02.2023 (Annexure P-8), under Sections 406, 498-A of IPC, 1860, registered at Police Station Sultanpur Lodhi, Kapurthala, Punjab.

Learned counsel for the petitioner has drawn attention of this Court to the contents of FIR, wherein bald and vague allegations have been made with regard to the demand of alleged dowry i.e., in the form of gold ornaments given to various members of the family of petitioner. The marriage was solemnised on 26.11.2021, whereby the complaint came to be registered on 24.02.2023, under Sections 406 & 498-A of IPC.

It is also contended by learned counsel for the

petitioner that the allegations are absolutely baseless having no truth in it and it was a simple marriage, since both the parties to the marriage were already known to each other and were in love affair.

Notice of motion.

On the asking of Court, Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of respondent-State, who on instructions from ASI Joginder Singh submits that as per the allegations made in the FIR, recovery of gold ornaments is to be effected and custodial interrogation of the petitioner is required, therefore, opposes the prayer made in the instant petition.

Be that as it may, perusal of the FIR shows that there is no single instance available with regard to any specific date on which the demand with regard to any dowry articles was made. Whatever has been detailed therein seems to be gifts given out of affection to their own daughter by the parents of complainant, and thus the essence of greed and demand is totally absent prima facie to attract the offences under Sections 406 and 498-A of IPC.

Hence, this Court is duly convinced that the petitioner deserves to be released on interim bail, as such, he is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 29.08.2023”

Learned counsel for the petitioner submits that in compliance of the order dated 07.06.2023 passed by this Court, he has joined the investigation.

Learned State counsel, on instructions from ASI Joginder Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation, and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 07.06.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

29.08.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No