

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-34981-2022

Date of Decision: 24.01.2023

Sumit Singh Rathore

...Petitioner

Versus

U.T. Chandigarh and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Narita Yadav, Advocate and
Mr. Himanshu Jain, Advocate for the petitioner
Ms. Simsi Dhir Malhotra, Addl. P.P., U.T., Chandigarh
Mr. Rajinder Parsad Pandey, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

Mr. Rajinder Parsad Pandey, Advocate appeared and filed his Power of Attorney on behalf of respondent No.2. The same is taken on record and Registry is directed to tag at appropriate place.

Affidavit dated 09.08.2022 filed by the petitioner is taken on record. Registry is directed to tag the same at appropriate place.

On 10.08.2022, the following order was passed:-

“Instant petition has been filed under section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.0054 dated 17.06.2022 registered under Sections 406, 498-A IPC at Women Police Station, Chandigarh (Annexure P-1).

Counsel for the petitioner urges that divorce petition was instituted by the petitioner on 03.08.2021 and instant FIR, which has been lodged on the basis of complaint given

subsequently, is a counter-blast to the same. Counsel submits that allegations regarding demand of dowry are false, but the petitioner is willing to return whatever gifts or personal items of the complainant are in his possession. She has filed an affidavit dated 09.08.2022 of the petitioner, which is taken on record.

Notice of motion.

On asking of the Court, Ms.Simsi Dhir Malhotra, A.P.P., U.T.Chandigarh accepts notice on behalf of respondent No.1-U.T.

Mr. Parvesh K. Saini, Advocate has put in appearance on behalf of the complainant-respondent No.2 and has filed his 'Memorandum of Appearance', which is taken on record

List on 24.01.2023.

Meanwhile, the petitioner shall join investigation on 24.08.2022 at 10.00 a.m., at Women Police Station, Chandigarh and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C. On joining the investigation, the petitioner will return all the articles as deposed by him in his affidavit dated 09.08.2022 to the Investigating Officer, who shall hand over the same to the complainant-respondent No.2, in accordance with law.”

Learned counsel for the petitioner, *inter alia* submits that petitioner has already returned all articles which were received at the time of marriage. She further submits that petitioner has filed divorce petition under Section 13 of Hindu Marriage Act, 1955 and it is pending before District and Sessions Court, Chandigarh.

Learned State counsel as well learned counsel for respondent No.2/complainant submits that petitioner though has joined investigation yet few gold articles are to be recovered.

Learned State counsel, on instructions from ASI Vijay Kumar, further submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 10.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

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.

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

24.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*