

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

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CRM-M-46544-2022

Date of Decision: 17.04.2023

Munish Mann**...Petitioner****Versus****State of Punjab and Others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Prabhjot Singh Waraich, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Sulakhan Singh)

Mr. J.S. Bhinder, Advocate for complainant/respondent No.3

JAGMOHAN BANSAL, J. (ORAL)

1. Status report by way of affidavit dated 17.04.2023 of Ramandeep Singh, P.P.S., ACP (Central) Ludhiana, Sub filed on behalf of respondent Nos.1&2-State is taken on record. Registry is directed to tag the same at appropriate place.

2. On 06.10.2022, the following order was passed:-

“Petitioner prays for grant of pre-arrest bail in FIR No.0067 dated 06.08.2022 registered under Sections 406/498-A IPC at Police Station Division 1, Police Commissionerate, Ludhiana, Punjab.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case, which was got registered by his wife, namely, Seema (respondent No.3). He further contends that in fact, soon after the marriage, the complainant started showing indifferent attitude and she used to misbehave with the petitioner and his

family members. Even the complainant used to visit her parental home frequently after short intervals. She always remained busy on her phone. In December 2020, it was found that the complainant was chatting and talking to one Rajan Bagga and due to this incident, differences arose between the petitioner and his wife. As per the petitioner, he filed a complaint to Senior Superintendent of Police, Khanna, complaint No.461 dated 20.08.2021 regarding the threats extended by the complainant and her family and also regarding the conduct of the complainant. The complaint (Annexure P-2) dated 20.08.2021 was investigated and family of the complainant and the complainant apologized for their conduct and the matter was closed. Thereafter, the complainant filed the instant complaint against the petitioner and all his family members at Ludhiana on 03.09.2021, which was converted into the instant FIR after a delay of almost one year. Learned counsel for the petitioner submits that the petitioner is ready to settle the dispute with his wife.

Notice of motion.

Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of respondents No.1 and 2.

Dasti process may be issued for the service of respondent No. 3.

List on 17.01.2023.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim pre-arrest bail to the

satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) that the petitioner shall furnish bail bonds/surety bonds to the satisfaction of Arresting Officer/Investigating Officer;*
- (ii) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (iii) 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;*
- (iv) that the petitioner shall not leave India without prior permission of the Court;*
- (v) that the petitioner shall comply with all the conditions as envisaged under Section 438(2) Cr.P.C.”*

3. Learned State counsel, on instructions from SI Sulakhan Singh, submits that petitioner has joined investigation, however, recovery of gold articles yet has to be affected. He further submits that no custodial interrogation of the petitioner is required.

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 the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 06.10.2022 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.

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

17.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>