

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51856-2022

Date of Decision:27.02.2023

SURINDER PAL AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Komalpreet Kaur, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 11.11.2022 following order was passed:

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.56, dated 13.10.2022, under Sections 498-A, 406 and 506 IPC, registered at Police Station Purana Shalla, District Gurdaspur.

It has been contended by counsel for the petitioners that son of the petitioners was married with the complainant on 12.10.2018 and thereafter, due to temperamental differences between both of them, the matrimonial discord took place between them. It is further submitted that the petitioners had no role whatsoever in causing any harassment to the complainant. He has submitted that the complainant left the matrimonial home hardly after two months of the marriage and thereafter she did not join the matrimonial home. He has submitted that with the intervention of respectables, the matter was amicably settled as well and as per the settlement the couple filed a petition under Section 13-B of the Hindu Marriage

Act and a sum of Rs.2.50 lakhs was also paid to the complainant. He submits that the first motion statement was recorded in the proceedings under Section 13-B of the Hindu Marriage Act, however, at the time of recording second motion statement, the complainant withdrew her consent and hence backed out of the compromise arrived at. Resultantly, the petition under Section 13-B of the Hindu Marriage Act was dismissed. He has submitted that the FIR has been lodged only in order to cause harassment to the in-laws' family. He has submitted that the allegations pertaining to demand of dowry are totally false and frivolous. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (Cr.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, petitioners are ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers their request for granting the same.

Issue notice of motion for 27.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

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

(ii) That the petitioners 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 petitioners shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

Status report by way of affidavit dated 22.02.2023 of Assistant Superintendent of Police, Dinanagar, District Gurdaspur filed on behalf of respondent No.1-State is taken on record. Registry is directed to tag the same at the appropriate place.

Learned State counsel 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 protection granted to the petitioner vide order dated 11.11.2022 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

27.02.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No