

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54055-2022

Date of Decision:13.03.2023

PARDEEP KUMAR

..... Petitioner

Versus

STATE OF UNION OF TERRITORY CHANDIGARH

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vishal Yadav, Advocate for the petitioner.

Mr. Abhinav Gupta, Addl. P.P, U.T, Chandigarh
assisted by ASI Padam Singh.

Mr. Kuldeep Singh, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 21.11.2022 following order was passed:

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0076, dated 24.09.2022, under Sections 406 and 498-A IPC, registered at Police Station Women, Chandigarh.

It has been contended by counsel for the petitioner that petitioner solemnized the marriage with the complainant on 30.06.2010. He submits that thereafter they are blessed with a son. He further submits that differences between the husband and the wife are on account of their temperamental nature and though the petitioner tried his level best to settle the same, however, the complainant was not ready to cooperate and on account of the same, the complainant left the matrimonial home alongwith the minor on 06.09.2020. He submits that the petitioner is ready to settle the dispute amicably even now if the matter is referred to Mediation Centre. He has submitted that the complainant lodged the FIR on the basis of false and

frivolous allegations. It is further submitted that there is no question of demand of dowry, as alleged. He has further submitted that petitioner is employed as a teacher and the complainant is also well qualified. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (CrI.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Counsel for the petitioner undertakes to implead the complainant as party respondent No.2 in the petition and file amended memo of parties within a week from today.

Issue notice of motion for 13.03.2023.

On the asking of the Court, Mr. Abhinav Gupta, APP, U.T Chandigarh, who is present in Court, accepts notice on behalf of the respondent-State.

On filing of amended memo of parties, complainant be served for the date fixed.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to complainant within one month from today.

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.”

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

Learned State counsel at the outset submits that petitioner has joined investigation and most of dowry articles stand recovered 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 21.11.2022 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

13.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>