

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1222-2023 (O&M)
Date of Decision: 25.01.2024

RAKESH KUMAR

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Varinder Basa, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Ms. Himani Kapila, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 247 dated 23.12.2022 registered under Section 498-A of the IPC, at Police Station Dinanagar, District Gurdaspur.
2. Learned counsel for the petitioner submits that the petitioner was granted interim bail vide order dated 07.11.2023, passed by a co-ordinate Bench of this Court. The relevant portion of the said order reads as under:-

XXXX XXXX XXXX XXXX

“Vide order dated 11.01.2023 the parties had been directed to appear before the Mediation and Conciliation Centre of this Court, however, mediation has failed between the parties.

Learned counsel for the petitioner would contend that totally vague allegations regarding demand of dowry have been made in the FIR wherein it has been alleged that the complainant was being harassed regarding dowry by her husband and her brother-in-law.

List on 25.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

2. Counsel for the petitioner *inter alia* contends that the petitioner has joined investigation in compliance of the order dated 07.11.2023 passed by this Court.

3. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Gurdev confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required.

4. The allegations between the parties are matter of trial. Even the process of mediation has been used. The mediation was unsuccessful. The investigation is also stated to be complete.

5. Keeping in view the above and in view of the reasons recorded in the order dated 07.11.2023 and also the fact that the petitioner has joined investigation and his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated

07.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 25, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No