



Sr. No.212
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1824-2023
Date of decision: 22nd May, 2024

BALJIT SINGH ALIAS BALJEET SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mayank Mathur, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. B.S. Khehar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.104 dated 06.12.2022, under Sections 406, 498-A and 323 IPC, 1860, registered at Police Station Women, Patiala (Annexure P-1).
2. On 30.01.2023, following order was passed by the co-ordinate Bench of this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioner has submitted that even going by the whats-app chat, on the basis of which it has been alleged that there was a demand of Rs. 6,00,000/- as dowry by the petitioner, the same seems to be in fact a fight between the husband and wife, where in fact the petitioner had been stating that he wanted Rs. 6,00,000/-, which had been spent by him on the wife.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, learned AAG, Punjab, accepts notice on behalf of the respondent-State.



Counsel for the State, who is assisted by Head Constable Deepak Kumar, has filed status report by way of affidavit of the Deputy Superintendent of Police, Crime against Women & Children, District Patiala on behalf of respondent No.1-State of Punjab. The same is taken on record.

Without going into the merits of the case, the petitioner shall join investigation on 02.02.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 20.04.2023.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 30.01.2023 and subsequent order dated 21.08.2023, passed by the co-ordinate Bench of this Court.

4. Learned State counsel, on instructions from HC Paramjit Singh, contends that the petitioner has joined investigation on 04.10.2023 and 19.12.2023, as such, his further custodial interrogation is not required. It has been further confirmed that except for a few household articles, rest of the recovery has been effected from the petitioner.

5. Learned counsel appearing on behalf of the complainant contends that though the recovery has been effected, however, the said recovered articles are yet to be received by the complainant from the Investigating Agency.

6. In view of the reasons recorded in the order dated 30.01.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 30.01.2023, granting interim bail to the



petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. Liberty is granted to the complainant to approach the trial Court for release of the dowry articles recovered from the petitioner.

9. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd May, 2024
sim

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No