

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

CRM-M-3248 of 2022

DATE OF DECISION :- 10.01.2024

Vijay Kumar

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gaurav Datta, Advocate
and Mr. Gurkirat Singh, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Mohd. Salim, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 02.08.2022 the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 93 dated 27.11.2021, registered under Sections 406,498-A of Indian Penal Code, 1860, at Police Station Women Cell, Patiala, Annexure P-3.

As per report received from the mediation centre, the mediation proceedings were “non- starter”.

Upon instructions from ASI Mander Singh, State counsel submits that the recovery is to be effected from the petitioner.

List on 13.01.2023.

Meanwhile, the petitioner shall join the investigation on 09.08.2022 at 11:00 am at Police Station Women Cell, Patiala and cooperate with the Investigating Agency. In the event of his arrest, he will be released on interim bail on his furnishing personal and surety bonds to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

2. Thereafter on 06.11.2023 following order was passed by this Court :-

“As per the report submitted by the Mediator on 19.10.2023, the mediation proceedings could not be conducted due to the absence of both the parties.

Learned State counsel seeks an adjournment to complete his instructions qua the present matter from the quarter concerned. Meanwhile, the petitioner, through his counsel, is directed to re-join the investigation on 17.11.2023 at 10:00 AM sharp and if there need be, even thereafter and to co-operate with the Investigating Agency.

Adjourned to 10.01.2024.

Interim order to continue till the next date of hearing.”

3. Learned State counsel on instructions from ASI Mandar Singh has stated that pursuant to the order dated 02.08.2022 the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.

4. Learned counsel for the complainant pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

5. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

6. However, in order to settle down things, the petitioner will deposit a sum of Rs.1 lakh with the learned Illaqa Magistrate within three weeks from today. On his doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.

7. In view of above, the interim order dated 02.08.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
8. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
9. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
10. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

10.01.2024
P.Singh

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