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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5228-2023 (O&M)

Date of Decision: 23.01.2024

Sahil Sachdeva

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Vivek Aggarwal, Advocate for complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.112 dated 22.12.2022, under Sections 406 and 498-A registered at Police Station Women, District Patiala
2. On 06.02.2023, the following order was passed:-

“The present petition is for grant of anticipatory bail to the petitioner in case FIR No.112 dated 22.12.2022 under Sections 406, 498-A of IPC, registered at Police Station Women, District Patiala.

Learned counsel for the petitioner submits that the allegations in the FIR are vague and evasive and in fact, the petitioner and the complainant were living separately from parents of the petitioner and the complainant left the company of the petitioner on her own accord. He further submits that there is no allegation of entrustment of any dowry articles and a perusal of the FIR primarily revolves around beating of complainant by the petitioner. He further submits that the said accusation is also bad for the reason that the complainant never went to the hospital at her matrimonial house and to cover up the same, a vague averment has been made that the Civil Hospital, Nabha did not admit her on the pretext that the incident pertain to Karnal. He further submits that otherwise, the dicta

laid down by the Hon'ble Supreme Court of India in "Arnesh Kumar Vs. State of Bihar and another, 2014 (3) R.C.R (Criminal)" has not been followed and there is non-compliance of Section 41 of Cr.P.C., as stated in the judgment (supra).

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is assisted by ASI Baljinder Singh, accepts notice on behalf of the respondent-State.

Adjourned to 25.04.2023.

In the meanwhile, the petitioner shall join investigation on 10.02.2023 at 10:00A.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.

The respondents are directed to investigate the matter thoroughly and file a status report on the next date of hearing. It is made clear that this interim arrangement shall have no bearing on the final adjudication of the petition after the status report is filed by the State."

3. Learned State counsel on instructions from HC Paramjit Singh, has stated that pursuant to the order dated 06.02.2023, 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 put quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of Rs.1 lac with the learned Illaqa Magistrate within two weeks from today. On his

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 06.02.2023 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.

23.01.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No