



Sr. No.209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6361-2023
Date of decision: 12th August 2024

RAHUL SHARMAPetitioner
versus
STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Simranjit Singh, Advocate for
Mr. Lupil Gupta, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
assisted by ASI Gurmail Singh.

Mr. Yogesh Aneja, Advocate
for respondent No.2/complainant.

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.159 dated 19.11.2022, under Sections 498-A, 406 IPC, 1860, registered at Police Station City Fazilka, District Fazilka (Annexure P-1).
2. On 07.02.2023, it was recorded that the petitioner was ready to join the investigation, as such, his arrest was stayed subject to his joining the investigation and the matter was referred to Mediation and Conciliation Centre of this Court.
3. On 15.04.2024, following order was passed:-

“xxx xxx xxx xxx

5. *Learned State counsel, on instructions from HC Manjeet Singh, has verified that the petitioner has joined investigation. She has further confirmed that majority of the dowry articles have also been recovered from the petitioner. As per the status report dated 16.04.2023, filed by way of affidavit of Sh. Shubeg Singh, PPS, Deputy Superintendent of Police,*



Sub-Division Fazilka, District Fazilka, the petitioner has joined investigation on 29.03.2023, in pursuance to the order dated 07.02.2023, passed by this Court. It is further mentioned in the status report that on 02.04.2023, the petitioner produced three gold rings and a gold nose pin weighing 7.520 grams, a pair of silver anklet and a pair of foot rings (bichhua) weighing 66.370 grams, which were taken into police custody.

6. *Learned counsel for the complainant contends that complete recovery is yet to be effected from the petitioner.*

7. *Adjourned to 04.07.2024.*

8. *In the meanwhile, the petitioner is again directed to join investigation and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-*

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(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 the prior permission of the Trial Court/CJM concerned.

xxx xxx xxx xxx”

4. Today, learned counsel for the petitioner has informed that the matter between the petitioner and the complainant has been finally resolved and they have filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955, which has been allowed as per the judgment and decree dated 28.05.2024, passed by the Family Court, Fazilka.

5. Learned State counsel has informed that the petitioner has joined investigation in compliance of the orders dated 07.02.2023 and 15.04.2024 passed by this Court and also contends that his further custodial interrogation is not required.



6. Learned counsel for respondent No.2/complainant has confirmed the factum of compromise between the parties.
7. In view of the reasons recorded in the order dated 15.04.2024 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 15.04.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
9. However, liberty is 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

12th August 2024
simran

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