

2024:PHHC:017692

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-6872-2023
Date of Decision : 08.02.2024

Harwinder Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lovepreet Singh, Advocate, for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. Arpit Gaur, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.280 dated 29.09.2022, registered for the offences punishable under Sections 406 & 498-A IPC, 1860 at Police Station City Kharar, District Mohali.

2. On 14.02.2023, the following order was passed:-

“The present petition is for grant of anticipatory bail to the petitioner in FIR No.280 dated 29.09.2022, under Sections 406 and 498-A of IPC, registered at Police Station City Kharar, District Mohali.

Learned counsel for the petitioner has submitted that the entire FIR is a concocted story which the complainant has brewed in a period of more than 02 years and 05 months, after she left the matrimonial home on her own accord. All the effort made by the petitioner to bring her back to the matrimonial house failed, which led to the lodging of this FIR.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, assisted by ASI Prem Chand, accepts notice on behalf of the respondent-State. Mr. Arpit Gaur, Advocate, has put in appearance on behalf of the complainant.

Per contra, learned counsel for the State, assisted by the counsel for the complainant, has vehemently opposed the bail and has submitted that the petitioner is evading the service in the proceedings under the Domestic Violence Act and huge recovery is yet to be effected from the petitioner with regard to the Istridhan and the dowry articles. On the allegations leveled in the FIR, the learned counsel for the complainant has vehemently submitted that the petitioner is not entitled to the concession of bail.

At this stage, counsel for the petitioner submits that petitioner is ready to join investigation and effect the recovery of all the dowry articles and Istridhan available with him. He has further submitted that the petitioner will appear before the concerned Court where the proceedings under the Domestic Violence Act are going on the next date of hearing.

Learned counsel for the complainant has still argued that there is every likelihood of the petitioner tampering with the evidence and there is a flight risk that the petitioner might abscond.

After hearing counsel for the parties and keeping in view the fact that there is an inordinate and unexplained delay of more than 02 years and 05 months in lodging the FIR and the statement made by counsel for the petitioner with regard to effecting recovery of all the dowry articles and submitting the petitioner to the proceedings under the Domestic Violence Act, the contention of the counsel for the complainant that the petitioner is at a flight risk is unfounded.

Adjourned to 24.04.2023.

In the meanwhile, let the petitioner join investigation on 03.03.2023 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.”

3. Learned State counsel, on instructions from ASI Daulat Singh, has stated that pursuant to the order dated 14.02.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature and the entire recovery of dowry articles/stridhan has not been effected.

5. In view of above, the interim order dated 14.02.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

February 08, 2024
poonam

(SUMEET GOEL)
JUDGE

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