



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.10361 OF 2024
Date of decision: 24.05.2024

GURPINDER SINGH ALIAS GURBINDER SINGH Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 99, dated 13.09.2023, under Sections 498-A and 406 of IPC at Police Station Dhariwal, District Gurdaspur.
2. Vide order dated 28.02.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 28.02.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in case arising out of FIR No.99 dated 13.09.2023 registered under Sections 498-A and 406 of IPC at Police Station Dhariwal, District Gurdaspur on the basis of written complaint filed by the complainant-Sandeep Kaur alleging therein that talks of her matrimonial alliance with the petitioner had taken place but in



between, it was disclosed by the family members of the petitioner that the petitioner was going Dubai. They had offered to perform engagement of the complainant with the petitioner with the promise to perform marriage after some time. Engagement ceremony was performed and thereafter, the petitioner had left for Dubai. He came back in India and marriage of the complainant with the petitioner took place on 20.02.2019. But prior to the marriage, the petitioner and his family members started raising demand of dowry by way of different articles. Her father fulfilled these demands even after borrowing money. Huge amount of money had been spent at the time of marriage. Thereafter, the petitioner had left for Dubai and in his absence, mother-in-law and father-in-law started harassing her on account of demand of dowry. The petitioner did not keep regular contact with her from abroad even during the time when she was pregnant. She was subjected to physical as well as mental cruelty by the petitioner as well as his family members. Whenever the petitioner came from Dubai, his behavior with the complainant was not good. On 15.02.2023, she was made to leave her matrimonial house and even otherwise she came to know that her husband was having illicit relationship with sister-in-law of his brother. While alleging that he was threatening to kill her, she prayed for taking action against the culprits.

The present petition has been filed by the petitioner on the ground and it is argued by his counsel that the petitioner has been



falsely implicated in this case. He is ready to join investigation. His custodial interrogation is not required. False, general and omnibus allegations have been levelled against him and FIR of this case is counter blast of the complaint already filed by him against the complainant alleging that she has left her matrimonial house by taking away gold and silver ornaments as well as cash amount of ₹2 lacs 35 thousands.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab who appeared on advance notice of the petition, seeks time to file status report.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent No.2 in this petition. Amended memo of parties be filed by the counsel for the petitioner today, itself.

Notice to respondent No.2 be issued for 18.04.2024 after depositing process fee by the petitioner.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report dated 22.05.2024 filed on behalf of respondent-State is taken on record.



4. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 10.04.2024 but some gold articles and a refrigerator are yet to be recovered from the petitioner. Mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and in case titled as ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 28.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

24.05.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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