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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10523-2023 (O&M)

Date of Decision: 29.01.2024

RAJNISH DALLA

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav Datta, Advocate,
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Arun Gupta, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 06 dated 01.02.2023, under Sections 406 and 498-A of the IPC, registered at Police Station Women Cell, District Patiala.
2. There are allegations against the petitioner that the petitioner got married to the complainant on 20.02.2021 and sufficient dowry articles were given at the time of marriage. As per the complainant, a sum of ₹7,00,000/- to ₹8,00,000/- was spent at the time of the marriage and gold ornaments were also given to the petitioner and his family. After the marriage, the petitioner had been harassing the complainant, demanding a car, as well as ₹5,00,000/- in cash. The complainant was inflicted injuries and was turned out of her house.

3. Counsel for the petitioner *inter alia* contends that the petitioner had purchased the gold ornaments as per the bills [Annexure P-7 (colly.)] and even there are transactions as per the statement of the account (Annexure P-8) reflecting that the petitioner had been making the payment of various articles which were purchased at the time of marriage on the basis of installments. Referring to the money transfer report Annexure P-8/1, it was contended that many payments were transferred to the account of the complainant and her family members from time to time.

4. Counsel for the petitioner further submits that the petitioner was granted interim bail as per the order dated 24.08.2023 passed by the co-ordinate Bench of this Court.

5. The relevant portion of the aforesaid order reads as under:-

XXXX XXXX XXXX XXXX

“Vide order dated 28.02.2023, passed by a co-ordinate Bench of this Court, the parties were relegated to the Mediation and Conciliation Centre of this Court, for exploring the possibility of an amicable settlement. However, it is informed that the mediation between the parties has failed.

Learned counsel for the petitioner, inter alia, submits that marriage of the petitioner with the complainant was solemnized on 20.02.2021 and no child was born out of the said wedlock. It is submitted that allegations made in the FIR are patently false and fabricated. Initially, only the petitioner-husband was named in the FIR, however, subsequently, by way of supplementary statement, the complainant-wife also roped in the brother and father of the petitioner. Upon investigation, brother-in-law of the complainant was

exonerated and father-in-law has been arrayed as an additional accused. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating 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/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the appellant along with the details of pending FIRs, if any, on or before the next date of hearing.”

6. He also submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 24.08.2023 passed by the co-ordinate Bench of this Court .

7. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Mandeep Kaur confirms that the petitioner has joined investigation, his further custodial interrogation is not required and recovery of one ring has also been effected from. It was alleged that recovery of remaining articles were not effected.

8. The counsel appearing on behalf of the complainant contends that no recovery of the gold ornaments have been effected except one gold ring. It was further contended that as per the copy of the medico-legal report, the petitioner had inflicted injuries to the complainant, as such, opposed the present petition. However, despite all the above, he submits that the complainant is still ready to settle the matter with the petitioner.

9. The petitioner has joined the investigation. Some recovery has been effected. The allegations and counter-allegations would be a matter of trial. As per the copy of the medico-legal report there are no serious injuries and the injuries are “complaint of pain” and “abrassions”. There is no apprehension of absconding the petitioner. The bail cannot be declined to the petitioner only on account of the fact that the complete recovery was not effected. The parties have already appeared before the Mediation but they could not settle their dispute amicably.

10. In view of the reasons recorded in the order dated 24.08.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the

present petition is allowed and the order dated 24.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

12. Liberty is reserved in favour of the State/complainant to move for cancellation/recall 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.

13. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 29, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No