

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10446-2024
Date of decision: 24.04.2024

GURBINDER SINGH ALIAS GOLDY
V/s
....PETITIONER

STATE OF PUNJAB
....RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mikhail Kad, Advocate for
Mr. Ashdeep Singh, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

SUMEET GOEL, J.

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.0119 dated 15.12.2023, registered for the offences punishable under Sections 406, 498-A of IPC (Section 354 of IPC added later on) at Police Station Chamkaur Sahib, District Rupnagar.

2. On 28.02.2024, the following order was passed:-

*“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioners in FIR No.0119, dated 15.12.2023, under Sections 406/498-A of IPC, 1860 (Section 354 IPC added later on) registered at Police Station Chamkaur Sahib, District Rupnagar.
Learned counsel for the petitioner contends that he has been falsely implicated in the present case as he has not demanded any dowry from the complainant or her parents. He further submits that nothing is to be recovered from the petitioner, hence no useful purpose would be served by his custody.
Notice of motion.
On the asking of Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of respondent-State, who seeks time to get the instructions.
The petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. Adjourned to 24.04.2024.”*

3. Learned State Counsel on instruction from ASI Sohan Singh, submits that the petitioner has duly joined the investigation and also cooperated therein in accordance with law in terms of order dated 28.02.2024. Learned State counsel has further, very fairly submitted, that the petitioner was even willing to have certain dowry articles recovered but the complainant is not willing to identify and take the same.
4. In view of above, the present petition is allowed and interim order dated 28.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. 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.
6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 24, 2024
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