



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-13172 of 2024

DATE OF DECISION :- 22.10.2024

Major Singh**...Petitioner****Versus****The State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Abhishek Khullar, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Karan Chaudhary, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 21 dated 16.02.2024, registered for offences under Sections 498-A, 406 of the IPC, at Police Station Sadar Gurdaspur, District Gurdaspur.

2. On 14.03.2024, the following order was passed:-

“The instant petition has been filed by the petitioner seeking grant of anticipatory bail in case FIR No.21 dated 16.02.2024 registered under Sections 498-A and 406 of IPC at Police Station Sadar Gurdaspur, District Gurdaspur on the basis of written complaint submitted by Ravinder Kaur, making allegations of demand of dowry by the petitioner, who is her husband and other members of his family and consequent harassment on account



thereof. She has also levelled allegations of termination of her pregnancy and qua physical assault at their hands. It is submitted by learned counsel for the petitioner that general and vague allegations have been levelled against the petitioner as well as his family members. However, during the course of inquiry, all other members of his family have been found to be innocent and subject offences are not made out against him on the face of the record. His custodial interrogation is not required and he is ready to join the investigation. Therefore, it is urged that the petitioner deserves to be given concession of pre-arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Mr. Akash Yadav, Advocate has appeared and has filed his memo of appearance on behalf of the complainant. He seeks time to file his vakalatnama.

Adjourned to 15.05.2024.

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.

At this stage, learned counsel for the petitioner as well as complainant submitted that there are chances of amicable settlement of the dispute between the parties and the matter may be referred to Mediation and Conciliation Centre of this Court for this purpose.

In view of above submissions, the petitioner as well as the complaint are directed to appear in person before the Mediation and Conciliation Centre of this Court on 03.04.2024. The petitioner is also directed to pay a sum of Rs.10,000/- as travelling expenses to the complainant on her appearance before the Mediation Centre. The report of the Mediator is awaiting for the adjourned date.”

3. Learned State counsel, on instructions from ASI Kulbir Singh, has stated that pursuant to the order dated 14.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

However, learned State counsel as also the learned counsel for the



complainant have submitted that only partial recovery of dowry articles has been effected and remaining dowry articles are yet to be recovered.

4. Learned counsel for the petitioner has submitted that no dowry articles/Istridhan are in possession of the petitioner and, in fact, the entire dowry articles/Istridhan is with the aggrieved-wife.

5. I have heard the learned counsel for the rival parties and have perused the paper book.

6. It will be apposite to refer to a judgment dated 12.02.2024 passed by this Court in CRM-M-60647-2023 titled as **“Varun Sharma Vs. State of Punjab and another”**, relevant whereof reads as under:

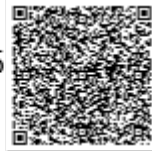
“11. As a sequel to the above said discussion, the following principles of law emerge:-

(I) Non-recovery of dowry articles/Istri-dhan cannot ordinarily be a ground, by itself, for declining a plea for grant of anticipatory bail to the husband or his relatives.

(II) The conduct of an accused, is indeed, a relevant factor for consideration of a plea for grant of anticipatory bail on behalf of such accused. Such conduct would also include the cooperation, in accordance with law, extended by such accused for recovery of dowry articles/Istri-dhan. Whether or not such cooperation was extended by the accused would be ascertainable from the facts and circumstances of a given case.

(III) In exceptional cases, if the peculiar and/or accentuating facts/circumstances of the case so warrant, a Court would be well within its discretion to pass a direction to the petitioner-accused to deposit in Court or remit to the complainant-wife an appropriate amount towards the Istri-dhan/dowry articles. Needless to state herein that it is neither possible nor desirable to enumerate a set of guidelines in this regard & a Court would have to exercise its judicial discretion in this regard in the facts and circumstances of a given case.”

7. Non-recovery of dowry articles/Istridhan in entirety thereof cannot, by itself, be a cause for rejection of the present plea for anticipatory bail by the petitioner especially when the State does not require custodial



interrogation of petitioner on any other count except for effecting recovery of remaining dowry articles/Istridhan. The aspect, as to what all are the dowry articles/Istridhan in question in the present case & whether the entire dowry articles have been recovered or not, shall be essentially gone into during the course of trial. No accentuating circumstances are decipherable, from the factual matrix of the present case, so as to direct the petitioner to deposit any amount towards the alleged non-recovery of complete dowry articles. No such misconduct by the petitioner has been pointed out which may dissuade this Court from confirming the interim anticipatory bail to the petitioner.

8. In view of above, the petition is allowed and interim order dated 14.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

9. This order should not be treated as “blanket” order. It will not be interpreted as 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.

10. 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.

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

12. The petitioner is directed to deposit his Passport with the concerned Illaqa Magistrate. In case the petitioner does not have any



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Passport he shall submit an affidavit to this effect before the concerned
Illaqa Magistrate.

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

(SUMEET GOEL)
JUDGE

22.10.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No