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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15015-2024 (O&M)
Date of decision: 30.08.2024

Bhupinder Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. R.S. Sidhu, Advocate for
Mr. G.S. Nahel, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.13 dated 09.02.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Dirba, District Sangrur.
2. On 22.03.2024, the following order was passed:-

“The petitioner is seeking pre-arrest bail in case arising out of FIR No.13 dated 09.02.2024 registered under Sections 498-

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A and 406 of IPC at Police Station Dirba, District Sangrur on the basis of written complaint filed by the complainant-Manpreet Kaur alleging therein that she got married with the present petitioner on 20.11.2019 and a male child was born to them. Soon after the marriage, the petitioner as well as her mother-in-law started harassing her on account of demand of dowry. She further alleged that the petitioner is also having extra marital relationship with one Komaldeep Kaur. She was mentally harassed by the petitioner.

It is submitted by learned counsel for the petitioner that the vague allegations have been levelled against the petitioner which do not make out any case for the commission of offences punishable under Sections 406 and 498-A of IPC. He is ready to join the investigation and his custodial interrogation is not required.

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, 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 14.05.2024 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

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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.”

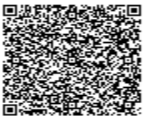
3. Thereafter, the petitioner was again directed to join the investigation on 14.05.2024, however, he could not join the investigation. The petitioner was once again directed to join the investigation on 30.07.2024.

4. The petitioner has filed an application i.e. CRM-33951-2024, in which it is indicated that he made telephonic conversation with the Investigating Officer with regard to joining the investigation.

5. Learned State counsel, assisted by learned counsel for respondent No.2-complainant and on instructions from ASI Suresh Kumar, submits that on 14.08.2024, the petitioner has joined the investigation. However, dowry articles, which were produced by the petitioner before the Investigating Officer were not identified by respondent No.2-complainant, as she was not satisfied with gold articles produced by the petitioner.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. In view of the fact that maximum sentence provided for the offences, under which the FIR (*supra*) is registered, is upto 03 years and in view of the directions issued by the Hon'ble Supreme Court in ***Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) RCR (Criminal) 754***, present petition is disposed of. The petitioner is directed to appear before



learned Illaqa Magistrate on 09.09.2024 at 10.00 a.m. and on his appearance, learned Illaqa Magistrate/Duty Magistrate would summon the Investigating Officer/Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

8. All the pending miscellaneous application(s), if any, shall stand disposed of.

30.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No