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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18969-2023 (O&M)
Date of decision: 05.04.2024

Rajiv Kamboj

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitish Garg, Advocate
for the petitioner.

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

Ms. Suman Kumari, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail in case bearing FIR No.23 dated 24.03.2023 (Annexure P-1) under Sections 406 & 498-A of IPC, registered at Police Station Women Cell, Patiala.

2. On 19.04.2023, the following order was passed:-

“Rajiv Kamboj has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.23 dated 24.03.2023 under Sections 406, 498-A of IPC, registered at

Police Station Women Cell, Patiala.

Learned counsel for the petitioner pointed out that the petitioner and respondent No.2 had performed love marriage. They had sought protection from the Court of learned District and Sessions Judge, Patiala. Copy of order is Annexure P-2. The petitioner is ready for reconciliation with the respondent No.2. He has already filed petition under Section 9 of Hindu Marriage Act. Copy of petition is Annexure P-3. It is pointed out that his arrest may be stayed and he will fully cooperate with the investigation as well as recovery of the dowry articles.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State. He has provided one list of dowry articles as well as one bill regarding the gold ornaments. Copy of the aforesaid list and the bill of Bablu Dass Goldsmith provided to the learned counsel for the petitioner.

Let, the status report be filed by the respondent-State on or before the next date of hearing.

Adjourned to 17.07.2023.

In the meantime, arrest of the petitioner is stayed till next date, subject to the joining of investigation.”

3. Learned State counsel, on instructions from ASI Mandeep Kaur, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel and also in view the ratio of law enunciated by the Hon’ble Supreme Court in ***Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3)***

R.C.R(Criminal) 754, Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, order dated 19.04.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

05.04.2024
vishnu

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