

2024:PHHC:015936

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

201

**CRM-M-18972-2023 (O&M)
Date of decision:06.02.2024**

Karanbir Sharma

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parvez Chaudhary, Advocate for
Mr. Hargun Sandhu, Advocate, for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. Raman K. Sharma, Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

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.0002, dated 04.01.2023, registered for the offences punishable under Sections 406-498-A of IPC (Section 313 of IPC added later on vide GD No.9) at Police Station Division No.6, District Ludhiana.

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

“Karanbir Sharma has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0002 dated 04.01.2023 under Sections 406, 498-A of IPC and Section 313 of IPC (added later on vide GD No. 9), registered at Police Station Division No. 6, Ludhiana.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. He has also filed application for re-investigation of the case but no action is taken by the police. Even the allegations falling under Section 313 of IPC are without any basis. After this matrimonial dispute, he has already handed

over all the dowry articles to the police regarding which there is GD No. 21 dated 29.01.2023 Annexure P-5. He is still ready to join the investigation.

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 pointed out that there was constant demand of dowry. Regarding the allegations falling under Section 313 of IPC, the statement of the doctor is yet to be recorded and the investigation on this point is going on.

Considering the facts of the case, let status report be filed and in the meantime, no coercive step shall be taken against the petitioner till next date.

Adjourned to 19.07.2023.”

3. On 19.07.2023, the following order was passed:

“Mr. Raman K. Sharma, Advocate has filed his power of attorney on behalf of respondent No.2.

List on 15.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned State counsel, on instructions from ASI Satnam Singh, has stated that pursuant to the order dated 19.04.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has argued that, during the course of investigation, Section 313 of IPC has also been invoked against the petitioner & hence, the petitioner does not deserve the concession of anticipatory bail.

5. This aspect of the matter will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of either parties. In view of above, the interim order dated 19.04.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

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

9. Pending application, if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 06, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No