

Sr. No.205(01)

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

CRM-M-36224-2018
Date of decision: 06th February, 2024

ANKIT ANAND**Petitioner**

versus

STATE OF HARYANA AND ANR**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Akshay Jindal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.14 dated 08.02.2018, under Sections 323, 354, 406, 498-A, 506 IPC, registered at Police Station Women, Karnal.

2. The present FIR has been registered at the instance of respondent No.2-wife on account of matrimonial discord. The marriage between the petitioner and respondent No.2 was solemnized on 23.11.2015 but soon after their marriage, the petitioner and his family members started harassing and maltreating respondent No.2/complainant on account of demand of dowry. She was even given beatings by the petitioner-husband on the instigation of her in-laws.

3. On 21.08.2018, following order was passed by the Coordinate Bench
of this Court:-

“xxxx

Learned counsel for the petitioner states that the petitioner is ready and willing to return the dowry articles in his possession and to deposit some amount in the name of complainant to show his bona fide.

Let a sum of Rs.2 lakhs be deposited in the name of the complainant in the Registry of this Court within 7 days, which amount be not disbursed till a specific order is passed by this Court.

Notice of motion for 5.10.2018.

Under such circumstances, the petitioner is directed to join investigation by contacting the Investigation Officer within 5 days from today and get the recovery effected. The articles be taken into possession by the Police officer vide seizure memo. The petitioner has to surrender his passport before the Investigating Officer, if he has got one, otherwise, to furnish affidavit in that regard. If, in the meanwhile, he is arrested he be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.

Deposit of Rs.2 lakhs shall be the pre-condition for grant of interim bail.

xxxx”

4. Learned counsel for the petitioner contends that in terms of the order dated 21.08.2018, the petitioner had joined investigation in the year 2018 and also deposited a sum of Rs.2 lakhs by way of demand draft in favour of the complainant, which is with the Registry of this Court.

5. Learned State counsel confirms that in pursuance to the order dated 21.08.2018, the petitioner has joined investigation on 24.08.2018 and also contends that his further custodial interrogation is not required as the supplementary challan qua the petitioner has already been presented in the trial Court on 06.09.2023.

6. Learned counsel for respondent No.2/complainant contends that the amount of Rs.2 lakhs (FDR) be handed over to the complainant.

7. Learned counsel for the petitioner has no objection with the same.

8. In view of the reasons recorded in the order dated 21.08.2018 and keeping in view the fact that the petitioner has joined investigation and his further

custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 21.08.2018, passed by the Coordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C. The FDR in the name of the complainant-Sonam Khanna be handed over to the complainant upon proper receipt.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

06th February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>