



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-19539-2024(O&M)
Date of Decision: 29.05.2024

MOHIT SINGH SIDHU
STATE OF PUNJAB

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. A.K. Walia, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
None for respondent no.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
01	02.04.2024	Women Police Station District Sangrur	498-A of IPC

2. As per office report respondent No.2 has been duly served but none appeared on his behalf.
3. Amended memo of parties has been filed. The same is taken on record.
4. Vide order dated 22.04.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 22.04.2024 reads as under:-

“The petitioner is making prayer for grant of pre-arrest bail in case arising out of FIR No.1 dated 02.04.2024 registered under Sections 498-A of IPC at Police Station Women, Sangrur on the basis of a written complaint submitted by the complainant-Kulwinder Kaur, making allegations that she

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was married with the present petitioner on 01.12.2009. Huge amount of money had been spent by her parents at the time of marriage. The dowry articles and gold ornaments given to the complainant were entrusted to the members of her in-laws' family. On raising demand by the petitioner and his family members, gold ornaments were also given to the petitioner and his immediate family members. Shortly after the marriage, the petitioner and his family members started harassing the complainant on account of demand of dowry. She was pressurised to bring a sum of 20 lacs from her parents and on account of non- fulfillment of that demand, the petitioner and his family members had started harassing the complainant even more. She was forced to sign some blank papers. The petitioner was also having extra marital relations with some other female as he was found talking to some female on phone for long hours. On the basis of her statement, FIR has been registered and investigation are going on.

The present petition has been filed on the ground and it is argued by his counsel that the petitioner has been falsely implicated in this case. False, against against frivolous and omnibus allegations were levelled not only him but also against his family members. All his family members were found to be innocent during the investigation and have not been nominated as accused. The allegation qua entrustment of any istridhan belonging to the complainant and criminal misappropriation of the same, have also deemed to be incorrect as offence under Section 406 of IPC has been deleted and the petitioner has been booked only for commission of offence under Section 498-A of IPC. The ingredients of the said offence have also not been made out against him. The petitioner is ready to join the investigation and his custodial interrogation is not required.

Notice of motion.

On asking of the Court, Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab accepts notice on behalf of respondent-State and seeks time to file status report.

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 29.05.2024, after depositing process fee by the petitioner.

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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.”

5. Learned State counsel filed status report dated 29.05.2024. Copy has been given to learned counsel for the petitioner. As per status report and stated by learned State counsel, the petitioner has joined the investigation on 27.04.2024. His custodial interrogation is no more required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 22.04.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

29.05.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |