

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-21701-2022 (O&M)
Date of Decision: 13.05.2024

RAMANDEEP

...Petitioner

Versus

STATE OF PUNJAB AND ANR.

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Ankur Mehta, Advocate for
Mr. A.S. Manaise, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Ms. Sukhveer Kaur, Advocate for
Mr. R.K. Arya, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

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.76 dated 20.04.2022 registered under Sections 498-A, 323 IPC at Police Station City Gurdaspur, District Gurdaspur.
2. Learned counsel for the petitioner *inter alia* contends that the present FIR was registered due to a matrimonial dispute between the parties. He further contends that the petitioner had joined the investigation in pursuance to the orders dated 26.05.2022, 15.07.2022, 22.12.2022 and 12.07.2023 passed by the Coordinate Bench of this Court. He submits that the petitioner has filed

a petition under Section 9 of the Hindu Marriage Act, 1955 before the Family Court, Gurdaspur (Annexure P-2).

3. On 26.05.2022, the Coordinate Bench of this Court passed the following order:-

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.76 dated 20.04.2022, registered under Sections 498-A and 323 of IPC, 1860, at Police Station Gurdaspur, District Gurdaspur.

Counsel for the petitioner contends that the allegations levelled in the FIR are general and non-specific. He urges that the matrimonial discord arose as the complainant is working as a Staff Nurse and wanted to stay separately from her parents-in-law. Counsel submits that there is a possibility of settlement and the petitioner has already filed a petition seeking restitution of conjugal rights, which is pending. Still further, counsel submits that the petitioner has prepared a Demand Draft of Rs.30,000/- in the name of complainant/respondent No.2 for her travelling and litigation expenses, a photocopy of which has been placed on record.

Notice of motion.

On asking of the Court, Mr. A.S. Gill, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Mohan Singh, he submits that the complainant has suffered 05 injuries at the hands of the accused, all of which are simple and as of now, she has not supplied the list of alleged dowry articles.

List on 12.07.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Let the petitioner deposit the said Demand Draft of Rs.30,000/- with the Registrar General of this Court.

The Demand Draft will be released to respondent No.2 on her causing appearance and moving an appropriate application in this regard before the Registrar General.”

4. Perusal of the file reflects that as per order dated 15.07.2022, learned State counsel on instructions from ASI Parminder Singh had submitted that petitioner had joined the investigation but no recovery had been effected from him. The petitioner was again directed to re-join the investigation on 22.07.2022. On 19.05.2023, it was noted that offence under Section 406 IPC had been added and petitioner was again directed to join the investigation under those provisions. On 12.07.2023, learned State counsel on instructions from

ASI Amrik Singh had submitted that the petitioner had joined the investigation but some dowry articles were yet to be recovered and one more opportunity was given to the petitioner to join the investigation.

5. Learned counsel appearing on behalf of the respondent-State on instructions from concerned Investigating Officer has informed that the petitioner had joined the investigation.

6. Learned counsel for respondent No.2 has opposed the bail petition on the ground that some recovery is yet to be effected from the petitioner.

7. Keeping in view the reasons recorded in the order dated 26.05.2022 and keeping in view the fact that the petitioner has repeatedly joined investigation and the allegations *inter se* the petitioner and respondent No.2 are matter of trial, as such the present petition is allowed and the order dated 26.05.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

8. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

13.05.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No