



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-22906 of 2024 (O&M)
DATE OF DECISION :- 17.07.2024

Jasbir Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Hardeep Singh, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.
Mr. Manish Giri, Advocate for the complainant/respondent No. 2.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 33 dated 26.03.2024, registered for offences under Sections 406, 498-A of the IPC, at Police Station Women, District S.A.S. Nagar, Mohali.
2. On 30.05.2024, the following order was passed:-
“Inter alia contends that the genesis of the FIR in question is the matrimonial discord between the petitioner and the complainant-wife; petitioner is willing to return the dowry articles/istridhan including gold articles in his possession to the complainant-wife; petitioner is ready for an amicable settlement & petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.



Adjourned to 17.07.2024.

The petitioner is directed to appear before the Investigating Officer on 04.06.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C”

3. Learned State counsel, on instructions from ASI Sashvir Kumar, has stated that pursuant to the order dated 30.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned State counsel has further submitted that the petitioner had brought forth some articles to be returned to the complainant but the complainant did not accepted the same.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against the petitioner are serious in nature and hence the petitioner ought not to be extended the concession of anticipatory bail. Learned counsel for the complainant has further submitted that since all the dowry articles were not being returned to the complainant, therefore, the complainant did not accept the articles which were brought forth for returning by the petitioner.

5. In view of above, the present petition stands allowed and the interim order dated 30.05.2024 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(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

17.07.2024
P.Singh

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