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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24523-2024 (O&M)
Date of decision: 03.07.2024

Ketan Dhamija

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Maninder Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Naveen Bawa, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.05 dated 24.01.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860, registered at Police Station Women, Ludhiana

2. On 16.05.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’),

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seeking anticipatory bail in FIR No.05 dated 24.01.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women, Ludhiana.

*Learned counsel for the petitioner, inter alia, contends that FIR (supra) is an outcome of normal wear and tear of the matrimonial life. In fact, the complainant demanded a separate residence in Ludhiana and share in the property and she left the company of the petitioner without any justifiable cause and therefore, the petitioner filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights and he also filed a Civil Suit against the complainant and her family members. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) R.C.R(Criminal) 754**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

Notice of motion for 03.07.2024.

At this stage, Mr. Naveen Bawa, Advocate appears on behalf of the complainant and files Memorandum of Appearance, which is taken on record. He vehemently opposes

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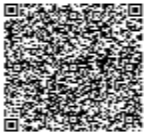
the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against him with regard to mental cruelty and harassment for demand of dowry.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from ASI Devender Pal, at the very outset, informs the Court that the petitioner has joined the



investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 16.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

03.07.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No