



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-27732-2024 (O&M)

Date of Decision: 17.09.2024

Paramjit and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Hitesh Chopra, Advocate for the petitioners.

Ms. Aakanksha Gupta, A.A.G., Punjab.

Mr. Dhawaljeet Dutta, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.39 dated 22.03.2024 (Annexure P-1) under Sections 498-A and 406 IPC, registered at Police Station Dinanagar, Tehsil and District Gurdaspur.

On 29.05.2024, when this case was listed for hearing, following order was passed by this Court:-

“Present is first petition under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioners in case FIR No.39 dated 22.03.2024 registered under Sections 498-A and 406 IPC at Police Station Dinanagar (Annexure P1), Tehsil and District Gurdaspur.

2. Learned counsel for the petitioners, inter alia, submits that petitioners are the parents-in-law of the complainant. The son of the petitioners was married to the complainant on 27.10.2022. Learned counsel on instructions submits that



one child was born out of their wedlock, who is currently in the care and custody of the complainant. Due to matrimonial discord, the petitioners' son and the complainant started living separately from 15.11.2023. Learned counsel contends that all the allegations made in the FIR are vague and general in nature. Although the allegations of demand of dowry, etc. have been made, however, no specific dates or time of incident(s) of such demand, have been mentioned in the FIR. It is further submitted that even the allegations regarding beatings inflicted upon the complainant by the petitioners, are false as no MLR was produced by the complainant in respect of the said allegations; and even no dates or time of the alleged incident(s) have been mentioned. Learned counsel also submits that petitioner No.2/father-in-law of the complainant is a Pastor in the church and is therefore, intrinsically an honourable man and the same falsifies the allegations made against the petitioners.

3. *Notice of motion for 17.09.2024.*

4. *Mr. Kunwarbir Singh, AAG Punjab, accepts notice on behalf of respondent-State.*

5. *Per contra, learned State Counsel submits that the complaint was registered by the complainant on 16.11.2023, pursuant to which, present FIR was filed on 22.03.2024 after preliminary investigation. It is further submitted that there are specific allegations against the petitioners in the FIR to the effect that the petitioners had made a demand of Rs.5 lakh as dowry from the complainant and on refusal, the complainant was subjected to beatings.*

6. *Learned State Counsel also refers to the assertions made in Para 3 of the present FIR (available at page 23 of the paper book), wherein it has been stated by the complainant that the husband of the complainant had stopped talking to her and used to stay in a separate room*



and on the asking of the complainant that she wanted to give birth to a child, the husband of the complainant had made it clear that he had stopped liking her after a few days of the marriage itself. Learned State Counsel submits that accordingly, it is not clear whether the parties have a child through their wedlock or not.

7. In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.

i. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

8. Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioners submits that in compliance of the order dated 29.05.2024 passed by this Court, the petitioners have joined the investigation on 21.06.2024.



Learned counsel for the State, on instructions from ASI Naresh Kumar and in reference to para 7 of the Status report dated 09.09.2024 filed by way of an affidavit of the Deputy Superintendent of Police, Dinanagar, District Gurdaspur on behalf of the State of Punjab, has stated that the petitioners have joined investigation on 21.06.2024 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

Learned counsel for the State as well as learned counsel for the complainant submits that no recovery has yet been effected from the petitioners and dowry articles are still in the possession of the petitioners.

I have heard learned counsel for the parties. Hon'ble the Supreme Court in *Bimla Tiwari vs. State of Bihar and others*, Law Finder Doc ID # 2110551, has held that "matter of grant of bail is not akin to money recovery proceedings", which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in *CRM-M-60647-2023, 'Varun Sharma vs. State of Punjab and another'*.

In view of the above, the order dated 29.05.2024 granting interim bail to the petitioners is made absolute.

However, the petitioners will abide by the conditions stipulated under Section 438(2) Cr.P.C. They will also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the



investigating agency that the petitioners are required for the investigation but are not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

17.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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