

**CRM-M-28592 of 2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****275****CRM-M-28592 of 2024****DATE OF DECISION :- 12.08.2024****Balraj Singh****...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. B.S. Bhalla, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Rahul Dhanda, Advocate for
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. 174 dated 03.05.2024, registered for offences under Sections 498-A, 323 of the IPC, at Police Station Ambala Cantt., District Ambala.

2. On 31.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No.174 dated 03.05.2024 registered for offences punishable under Sections 498-A and 323 of IPC at Police Station Ambala Cantt, District Ambala; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the genesis of the FIR in question is the matrimonial discord between the petitioner and the complainant-wife; petitioner and the complainant-wife had earlier solemnized marriage against the wishes of the family of the complainant-wife and hence there was no occasion for entrustment of any dowry article & 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 Armesh 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.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, appears and accepts notice on behalf of respondent No.1-State.

Adjourned to 16.07.2024.



The petitioner is directed to appear before the Investigating Officer on 05.06.2024 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 Suman, has stated that pursuant to the order dated 31.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
- 4. Learned counsel for the petitioner, in order to buttress his arguments, has submitted that a settlement has now been arrived at between the petitioner and the complainant. Learned counsel for the complainant has ratified this aspect of the matter.
- 5. In view of above, the present petition stands allowed and the interim order dated 31.05.2024 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.

(SUMEET GOEL)
JUDGE

12.08.2024
P.Singh

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