



CRM-M-30562-2023 (O&amp;M)

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212/2 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-30562-2023 (O&amp;M)

DATE OF DECISION : 30.05.2024

ABHI BHATIA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Salil Sagar, Senior Advocate with  
Mr. Lokesh Godara, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Rahul Gautam, Advocate for  
Dr. Pankaj Nanhera, Advocate for the complainant.

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**HARPREET KAUR JEEWAN, J. (ORAL)**

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. 54 dated 14.04.2023 under Sections 498-A, 406, 323, 506, 377, 420 and 34 of the Indian Penal Code, 1860 registered at Police Station Women NIT, Faridabad, District Faridabad.

2. On 21.08.2023 following order was passed:

“xxxx Learned senior counsel appearing on behalf of the petitioner would contend that there were financial disputes between the parties and the present FIR is the result of the same. It has further been contended that the anticipatory bail of the petitioner was rejected only on the ground that the mother of the petitioner had indulged in financial irregularities in the company. Learned senior counsel has further contended that the allegations under Section 377 IPC are not made out inasmuch as the medical does not support the same. Learned senior counsel has also contended that the petitioner is willing to return the articles which are supported by verified bill as also to join the investigation and cooperate.

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Notice of motion.

Ms. Priyanka Sadar, AAG Haryana, who is present in Court, accepts notice on behalf of the respondent-State while Mr. Rahul Gautam, Advocate puts in appearance on behalf of the complainant.

List on 13.10.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with CRM-M-24066-2023. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court.

4. Learned State counsel has also confirmed that the petitioner has joined investigation and further informs that recovery of some of the articles has been effected. However, it is contended that complete recovery has not been effected.

5. Learned counsel for the complainant has opposed the present application on the ground that complete recovery has not been effected from the petitioner.

6. The allegations and counter-allegations of the parties *inter se* each other are a matter of trial. The petitioner has joined investigation and his further custodial interrogation is not required. Merely on the ground of non-recovery of complete dowry articles, the relief cannot be declined to the petitioner.

7. In view of the aforesaid facts and the reasons recorded in the

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order dated 21.08.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 21.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

**30.05.2024**

Janki

**(HARPREET KAUR JEEWAN)  
JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*