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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30229-2024 (O&M)
Date of Decision: 05.09.2024

Balbir Singh .. Petitioner
Vs.
State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.S. Gujral, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Ms. Isha Goyal, Advocate and
Mr. R.P. Saini, Advocate for the complainant.

...

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.38 dated 30.05.2024, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station P.S. Women, District Police Commissionerate, Amritsar.

2. On 20.06.2024, the following order was passed:

“Learned counsel for the petitioners inter-alia submits that allegation against the petitioner is that petitioner demanded dowry from the complainant and harassed her on the ground for not giving money. He further submits that the allegations are outcome of the matrimonial dispute between the son and daughter- in-law of the petitioner otherwise petitioner has no connection with the said offence.

Notice of motion.

Mr. Manmeet Singh Teji, AAG, Punjab appears and accepts notice on behalf of respondent-State.

Mr. Manish Verma, Advocate appeared through video conferencing and accepts notice on behalf of complainant. He has filed his memo of appearance on behalf of the complainant and the

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same is taken on record. He seeks some time to file his Vakalatnama in the Registry.

Learned counsel for both the parties submits that there are chances of settlement, so the matter may be referred to the Mediation and Conciliation Centre of this Court for settlement.

Notice be also issued to the complainant-Ramanjot Kaur, daughter of Malkit Singh through SHO, Police Station Women, District-Police Commissionerate Amritsar to appear before the Mediation and Conciliation Centre of this Court on 05.07.2024.

For awaiting report, adjourned to 31.07.2024.

In the meantime, arrest of the petitioner shall remain stayed.”

3. On 22.08.2024, the following order was passed:

“Status report, by way of affidavit of Tripta, PPS, Assistant Commissioner of Police, Crime Against Women, Amritsar City has been filed by learned State counsel in the Court today in both the petitions and the same are taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

Learned counsel for the petitioner submits that he has received specific instructions from the petitioner that the petitioner shall hand over 30 grams of gold to the complainant on 24.08.2024.

Keeping in view the entirety of facts and circumstances of the case, the interim order dated 20.06.2024 passed in CRM-M-30229-2024 is now directed to enure till the next date of hearing.

Put up on 05.09.2024.

The petitioner is directed to appear before the concerned Investigating Officer in the concerned police station on 24.08.2024 at 11 a.m. to join investigation.

Photocopy of this order be placed on the connected file.”

4. Learned State counsel, on instructions from ASI Hardev Singh, has stated that pursuant to the order dated 20.06.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned State counsel as also the learned counsel for the complainant have submitted that only partial recovery of dowry articles has been effected and remaining dowry articles are yet to be recovered.

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5. Learned counsel for the petitioner has submitted that no dowry articles/Istridhan as alleged are in possession of the petitioner.

6. I have heard the learned counsel for the rival parties and have perused the paper book.

7. It will be apposite to refer to a judgment dated 12.02.2024 passed by this Court in CRM-M-60647-2023 titled as **“Varun Sharma Vs. State of Punjab and another”**, relevant whereof reads as under:

“11. As a sequel to the above said discussion, the following principles of law emerge:-

(I) Non-recovery of dowry articles/Istri-dhan cannot ordinarily be a ground, by itself, for declining a plea for grant of anticipatory bail to the husband or his relatives.

(II) The conduct of an accused, is indeed, a relevant factor for consideration of a plea for grant of anticipatory bail on behalf of such accused. Such conduct would also include the cooperation, in accordance with law, extended by such accused for recovery of dowry articles/Istri-dhan. Whether or not such cooperation was extended by the accused would be ascertainable from the facts and circumstances of a given case.

(III) In exceptional cases, if the peculiar and/or accentuating facts/circumstances of the case so warrant, a Court would be well within its discretion to pass a direction to the petitioner- accused to deposit in Court or remit to the complainant-wife an appropriate amount towards the Istri-dhan/dowry articles. Needless to state herein that it is neither possible nor desirable to enumerate a set of guidelines in this regard & a Court would have to exercise its judicial discretion in this regard in the facts and circumstances of a given case.”

8. Non-recovery of dowry articles/Istridhan in entirety thereof cannot, by itself, be a cause for rejection of the present plea for anticipatory bail by the petitioner especially when the State does not require custodial interrogation of petitioner on any other count except for effecting recovery



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dowry articles/Istridhan in question in the present case & whether the entire dowry articles have been recovered or not, shall be essentially gone into during the course of trial. No accentuating circumstances are decipherable, from the factual matrix of the present case, so as to direct the petitioner to deposit any amount towards the alleged non-recovery of complete dowry articles. No such misconduct by the petitioner has been pointed out which may dissuade this Court from confirming the interim anticipatory bail to the petitioner.

9. In view of above, the petition is allowed and interim order dated 20.06.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

10. This order should not be treated as “blanket” order. It will not be interpreted as 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.

11. 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.

12. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

13. Pending application(s), if any, shall also stand disposed off.

05.09.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No