



CRM-M-30409-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30409-2024 (O&M)

Date of Decision: 21.08.2024

KUNAL CHADHA

.. Petitioner

Vs.

STATE OF PUNJAB & ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Ankur Bansal, Advocate for 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.31 dated 16.04.2024, under Sections 406, 498-A and 420 of IPC registered at Police Station Women Cell, Jalandhar.

2. On 12.07.2024, the following order was passed:-

“Mr. Ankur Bansal, Advocate has filed vakalatnama for complainant-respondent No. 2. The same be taken on record.

Inter alia contends that genesis of the FIR in question is the matrimonial discord; the petitioner and respondent No. 2 had married each other on 06.03.2022; it was the second marriage of both petitioner and respondent No. 2; the petitioner is willing to return the entire dowry articles/Istridhan including gold articles; petitioner is ready for an amicable settlement & the 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 of the Hon'ble Supreme Court in Md. Asfak Alam versus The State of Jharkhand and another' 2023(3) R.C.R. (Criminal) 754 and 'Armish Kumar versus State of Bihar' (2014) 8 SCR 128.

CRM-M-30409-2024 (O&M)

Adjourned to 21.08.2024.

The petitioner is directed to appear before the Investigating Officer on 18.07.2024 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.

Learned counsel for the petitioner as also learned counsel for respondent No. 2 have jointly submitted that there are chances of amicable settlement between the parties. A joint request has been made to refer the matter to Mediation and Conciliation Centre of this Court.

Keeping in view the totality of facts and circumstances of the case, the matter is referred to Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement between the parties. The concerned parties (through their respective counsel) are directed to appear there on on 23.7.2024. The Mediator shall send the report well before the next date of hearing.”

3. The mediation proceedings initiated between the parties have not fructified.
4. Learned State counsel, on instructions from ASI Vijay Kumar, has stated that pursuant to the order dated 12.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation except for effecting recovery of the dowry articles/istridhan.
5. Learned counsel for respondent No.2 has vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the allegations made against the petitioner are serious in nature & moreover recovery of dowry articles/istridhan is yet to be effected.
6. It is not in dispute that the petitioner has joined investigation and is not required for any purpose other than for recovery of dowry articles/istridhan. In the considered opinion of this Court, this factum by itself, is not sufficient to decline the concession of anticipatory bail to the

CRM-M-30409-2024 (O&M)

petitioner especially when he has joined investigation to the satisfaction of the Investigating Officer on all other counts.

7. In view of above, the petition is allowed and interim order dated 12.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
8. 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.
9. 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.
10. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
11. Pending applications, if any, shall also stand disposed off.

21.08.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No