

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.34202 of 2023
Date of decision: 03.04.2024

Kuldeep Kumar ... Petitioner

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Arpan Sabharwal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

Ms. Gurleen Dhanoa, Advocate,
for respondent No.2.

MANISHA BATRA, J.(Oral)

1. The present petition under Section 438 of Code of Criminal Procedure has been filed by the petitioner seeking anticipatory bail in case bearing FIR No.20, dated 02.03.2023, registered under Sections 406 and 498-A of IPC at Police Station Women Cell, District Police Commissionerate Jalandhar.
2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a written complaint lodged by the complainant Narinder Kaur alleging

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therein that she got married with the present petitioner about 18 years back. Two children were born out of the wedlock. Sufficient dowry articles were given at the time of marriage by her parents as per their status and big amount of money was spent by them. However, shortly after the marriage, the petitioner and his family members started harassing her on account of demand of dowry. They used to taunt her and the petitioner was provoked by his other family members. The petitioner was also indulged in the vices of taking intoxicants. The complainant was extended beatings. Several times, Panchayat biradari meetings were convened. The petitioner and his family members used to apologize and take her back to her matrimonial home but they continued the same behaviour. She also alleged that she was thrown out of matrimonial house and was living at the mercy of elder sister in her house. After registration of FIR, investigation proceedings have been initiated and are going on. The present petitioner had moved an application for grant of anticipatory bail before learned trial Court which had been dismissed vide order dated 19.04.2023.

3. The present petition has been filed by the petitioner seeking anticipatory bail on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The allegations do not make out any case for commission of the offences for which he has been booked. His custodial interrogation is not required. He has already joined the investigation. Therefore, it is argued that he deserves to be given concession of pre arrest bail.

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4. It will not be out of place to mention here that vide order dated 11.12.2023, the petitioner was directed to join the investigation. He has joined the same on 25.02.2024. Learned State counsel assisted by learned counsel for the complainant, in terms of the status report, submits that the dowry articles of the victim are yet to be recovered. However, mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and in case titled as ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 11.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

03.04.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No