

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-34475-2023 (O&M)

Date of Decision: 31.01.2024

AMARINDER SINGH WALIA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Bharat Puri, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

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.0058 dated 22.05.2023 registered under Sections 406 and 498-A of the IPC at Police Station Women, District Police Commissionerate, Jalandhar.
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant with the allegation that the petitioner had committed cruelty upon the complainant on account of demand of dowry.
3. On 02.08.2023, the Coordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner would contend that this is the second marriage of both the parties. It was a simple marriage and no dowry articles were given. The learned counsel would further contend that the petitioner has falsely been implicated in the present case. The differences between the petitioner and the complainant only arose when the complainant insisted that petitioner should shift from Jalandhar to Ludhiana leaving the parents behind.

Notice of motion. Mr. Adhiraj Singh, AAG Punjab

accepts notice on behalf of the respondent-State and seeks some time to get his instructions.

List on 16.11.2023.

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 personal bonds with adequate surety 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.”

4. Learned counsel for the petitioner further contends that the petitioner had joined the investigation in compliance of the order dated 02.08.2023 passed by the Coordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from Inspector Kuldeep Singh confirms that the petitioner has joined the investigation and recovery of one gold earring and ring has been effected. She submits that complete recovery is yet to be effected.

6. The allegations *inter se* parties are matter of trial. Keeping in view the reasons recorded in the order dated 02.08.2023 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 02.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

31.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No