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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34699-2023 (O&M)
DATE OF DECISION : 21.05.2024

SURJIT KAUR AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. H.S. Dhindsa, Advocate for the petitioners.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Ramesh Sharma, Advocate for respondent No.2.

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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 petitioners in case FIR No.21 dated 05.04.2023 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Begowal, District Kapurthala.

2. On 20.07.2023 following order was passed:

“xxxx Learned counsel for the petitioners would contend that the petitioners were initially granted bail by the Special Court, Kapurthala vide order dated 16.05.2023. However, subsequently, the anticipatory bail application was dismissed vide order dated 13.07.2023 on the ground that the petitioners had refused to return the articles and were also not cooperating with the Investigating Agency. The counsel would further contend that given one opportunity, the petitioners are willing to join investigation and shall fully co-operate in the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent No.1-State of Punjab while Mr. Ramesh Sharma, Advocate accepts notice for respondent No.2-complainant.

List on 08.11.2023.



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

3. Learned counsel for the petitioners contends that the petitioners have joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court and further also re-joined the investigation in compliance with the subsequent order of this Court.

4. Learned State counsel has confirmed that the petitioners have joined investigation. Recovery of some of the articles has been effected including the gold ornaments.

5. Learned counsel for respondent No.2 has opposed the bail application on the ground that complete recovery has not been effected and even the articles recovered during investigation have not been handed over to respondent No.2.

6. Learned State counsel, on instructions from ASI Rattan Singh, has also confirmed that articles recovered during investigation would be handed over to the first informant, as per the orders passed by the Area Magistrate regarding *superdari* of these articles.

7. Petitioner No.1 is the mother-in-law and petitioner No.2 is the husband of first informant. The allegations and counter-allegations of the parties *inter se* each other are matter of trial. The petitioners have joined the investigation and their custodial interrogation is not required. Due to non-recovery of complete dowry articles, the relief cannot be declined to the

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petitioners and respondent No.2 may seek appropriate remedy in accordance with law for such recovery.

8. In view of the aforesaid facts and the reasons recorded in the order dated 20.07.2023 and keeping in view the fact that the petitioners have joined investigation, their custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 20.07.2023 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

21.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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