



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CRM-M-34659 of 2024

DATE OF DECISION :- 21.10.2024

Rajan Bedi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Manpreet Singh Kanda, Advocate
with Mr. Bhisham Kinger, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 80 dated 16.03.2024 registered for offences punishable under Sections 406,498-A,323 IPC at Police Station City Hoshiarpur, District Hoshiarpur.

2. On 30.09.2024, the following order was passed:-

“Short reply by way of affidavit of Dev Dutt, PPS, Deputy Superintendent of Police, Sub Division City District Hoshiarpur, has been filed in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

The aforesaid status report reads as under:

‘That it is submitted that the petitioner was granted interim bail by this Hon’ble Court, accordingly, he joined investigation in the present case on 2.8.2024 but he did not get effected any recovery and he was released on furnishing bail bonds as per direction of this Hon’ble Court. The petitioner again joined investigation in the present case on 11.8.2024 as per direction of this Hon’ble Court and he got recovery of dowry articles but did not get recovery of gold jewellery weighing 11 tola entrusted



by the parents of the complainant to him. Thereafter the petitioner again joined investigation in the present case as per direction of this Hon'ble Court but he did not get effected recovery of gold jewellery of weighing 11 tola entrusted by the parties of the complainant to him.'

Faced with this situation, learned counsel for the petitioner submits that he be permitted another opportunity to join investigation and cooperate therein, in accordance with law. Accordingly, the petitioner is directed to rejoin investigation before the concerned Investigating Officer on 4.10.2024 at 11:00 A.M. in concerned Police Station and cooperate therein including in having requisite recovery effected.

Put up on 21.10.2024.

Interim order to continue till the next date of hearing."

3. Learned State counsel, on instructions from ASI Nanak Singh, has stated that pursuant to the order dated 30.09.2024, 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.

4. Learned counsel for the petitioner has submitted that no dowry articles/Istridhan are in possession of the petitioner and, in fact, the entire dowry articles/Istridhan is with the aggrieved-wife.

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

6. 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.”

7. 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 of remaining dowry articles/Istridhan. The aspect, as to what all are the 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.

8. In view of above, the petition is allowed and interim order dated 30.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.



9. 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.
10. 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 482(2) of BNSS, 2023 or upon showing any other sufficient cause.
11. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

21.10.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No