



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-35455-2024

Date of decision: 23.09.2024

Vikramjeet Singh
The State of Punjab and another

V/s
...Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Malkit Kaur, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.
Ms. Nanvi Gupta, Legal Aid Counsel for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of the
Bhartiya Nagrik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of
anticipatory bail to the petitioner in case FIR No.80 dated 31.05.2024, under
Sections 498-A and 406 IPC registered at Police Station Woman Cell,
Mohali.

2. On 07.08.2024, the following order was passed:-

*“Status report dated 07.08.2024 in the form of an affidavit of
Harsimrat Singh, PPS, Deputy Superintendent of Police, Detective,
District SAS Nagar has been filed on behalf of respondent No.1-State of
Punjab. The same be taken on record. Copy thereof has been supplied to
learned counsel for the petitioner.*

*Apprehending his arrest in FIR No. 80 dated 31.05.2024 registered
for offences punishable under Sections 498-A, 406 of IPC at Police Station
Woman Cell, Mohali District the petitioner has preferred this petition
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023
seeking pre-arrest bail.*

*Learned counsel for the petitioner inter alia contends that the
genesis of the FIR in question arises out of the matrimonial discord
between the petitioner and the complainant/wife; the petitioner is willing
to return all the dowry articles/Istridhan including gold articles of the
complainant/wife; the petitioner is willing for an amicable settlement & is
ready to join the investigation and cooperate therein.*



Adjourned to 05.09.2024.

The petitioner is directed to appear before the Investigating Officer on 13.08.2024 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 482(2) of the BNSS, 2023.”

3. Thereafter on 05.09.2024, the following order was passed:

“Learned counsel for the petitioner has submitted that the petitioner is willing to have the Alto car in question transferred into the hame of complainant/respondent No.2. Learned counsel for the petitioner has further submitted that the petitioner shall once again endeavour to hand over the dowry articles (including gold articles) in his possession to the complainant/respondent No.2.

The petitioner is directed to re-join investigation before the concerned Investigating Officer in the concerned police station on 09.09.2024 at 11 a.m. and co-operate therein in accordance with law.

Adjourned to 23.09.2024.

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

4. Learned State counsel, on instructions from H.C. Harjit Singh, has stated that pursuant to the order dated 07.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned State counsel as also the learned counsel for respondent No.2 have submitted that only partial recovery of dowry articles has been effected and remaining dowry articles are yet to be recovered. Learned State counsel has also submitted that the car in question has been recovered and is presently in the concerned police station.

5. 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.



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

7. 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.”

8. 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. However, the complainant is at liberty to take the possession of the car, in accordance with law.

9. In view of above, the petition is allowed and interim order dated 07.08.2024 passed by this Court are made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023

10. 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.

11. 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.

12. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2024
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No