

Sr. No.210

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

CRM-M-37212-2023
Date of decision: 06th February, 2024

MADHUR SACHDEVA**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ankur Bansal, Advocate for
Mr. Sandeep Sharma, Advocate
for the petitioner.

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

None for the complainant.

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.0073 dated 23.06.2023, under Sections 406, 498-A, 323 IPC, registered at Police Station Women, District Police Commissionerate Jalandhar, Punjab (Annexure P-1).
2. There are allegations against the petitioner that soon after the marriage of the petitioner with the complainant, the petitioner and his family members started harassing the complainant on account of dowry. The petitioner-husband used to beat the complainant and she was turned out of her matrimonial home on several occasions. Compromise was effected with the intervention of the respectables of the family but the petitioner and his family did not change their behaviour towards the complainant as a result of which, the present FIR was registered at her instance.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail as per the order dated 19.09.2023, passed by the co-ordinate Bench of this Court. The relevant portion of the said order reads as under:-

“XXXX

Brief facts of the case are that the petitioner and complainant got married on 28.04.2017 and after marriage, in-laws of the complainant started harassing her on account of dowry. Her husband (i.e. petitioner herein) also used to beat her at the instance of his family. Complainant was thrown out of from her matrimonial home on many occasions. However, compromise was effected with the intervention of the respectable members of the family but the petitioner's family did not change their behavior towards complainant, which compelled her to report the matter to the police.

Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant on 28.04.2017 and one child was born out of the said wedlock and the child is currently in the custody of the complainant. Learned counsel submits that the petitioner's wife/complainant suffers from seizures/fits and she had left the matrimonial home on 22.09.2022. Learned counsel further submits that the petitioner had even filed petition under Section 9 of the Hindu Marriage Act, 1955 (Annexure P/2) which was transferred by this Court on a petition filed by the complainant/wife vide order dated 18.04.2023 (Annexure P/3) passed in TA No.361 of 2023.

It is submitted that as per the FIR, six injuries were inflicted on the complainant. However, a perusal of Medico-Legal Report (Annexure P/5) of the complainant reveals that the said injuries are inflicted with blunt weapons and are simple in nature. It is also submitted that in scuffle between the petitioner and the complainant, even the petitioner has suffered injuries and Medico-Legal Report of the petitioner is also on record as Annexure P/6.

On 01.08.2023, learned State counsel sought time to file status report. Today, learned AAG has filed status report by way of affidavit of Sh. Jatinder Pal Singh, Assistant Commissioner of Police HQ/CAW & C, Jalandhar dated 18.09.2023 in Court. The same is taken on record.

Adjourned to 20.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to

the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

xxxx"

4. Learned counsel for the petitioner further contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 19.09.2023 passed by the Coordinate Bench of this Court.

5. On 22.11.2023, following order was passed by this Court:-

"xxxx

Learned State counsel informed that the petitioner has joined the investigation and 37 articles mentioned in the recovery memo have been recovered from her during the investigation and the counsel for the complainant submitted that he has already filed an application for releasing the said articles on 'Supardari' during the pendency of the trial.

However, learned State counsel submits that the gold articles and some other articles mentioned in the list which has been today supplied in vernacular, which is taken on record, are still in possession of the petitioner. The said list indicates that the birth certificate of the child and vaccination file of the child including the voter card of the wife apart from two albums of the children and some gold ornaments etc. are still in possession of the petitioner.

Counsel for the petitioner seeks an adjournment to verify about the said articles.

xxxx"

6. Learned counsel for the petitioner submits that the petitioner has again joined investigation on 27.01.2024, in compliance of the above-said order dated 22.11.2023 and handed over the birth certificate of the child to the Investigating Officer.

7. Learned State counsel, on instructions from ASI Rajesh Kumar, confirms that the petitioner has joined investigation and his further custodial interrogation is not required. However, the gold ornaments are yet to be recovered from the petitioner.

8. In view of the reasons recorded in the order dated 19.09.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 19.09.2023 passed by the Coordinate Bench of this Court, granting interim bail to the petitioner 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.

10. Liberty is reserved in favour of the State/complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

06th February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>