

2024:PHHC:016171

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

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**CRM-M-38302-2023
Date of decision:06.02.2024**

Amandeep Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Liaqat Ali, Advocate, for the petitioner.

Mr.Hemant Aggarwal, AAG, Punjab.

Mr. Kulwant Singh, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.110, dated 27/05/2023, registered for the offences punishable under Sections 406, 498-A of IPC at Police Station Division No.8, District Ludhiana.

2. On 07.08.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.110 dated 27.05.2023 under Sections 406/498-A of the Indian Penal Code, 1860 registered at Police Station Division No.8, District Ludhiana.

Learned counsel for the petitioner would contend that the petitioner and his wife had some differences with the father of the petitioner and they both started residing at the wife's parents' house. At a Panchayat convened, all articles were handed over to the wife which were subsequently taken to the parental house of

the complainant. The learned counsel would further contend that the complainant and the petitioner were living at the house of the parents of the complainant. One day he got a call that his parents were sick and he went to visit them. However, he did not return for 4-5 days and, even as per allegations, did not pick up the phone of the complainant. It was then that the present FIR was lodged alleging therein that the petitioner had stolen three tolas of gold and some money. It is further contended that a totally false case has been planted upon the petitioner only for the reason that he had gone to his parents' house and could not come back since they were very sick. The learned counsel further contends that the petitioner is willing to join investigation.

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 21.11.2023.

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."

3. Learned State counsel, on instructions from ASI Harjeet Singh, has stated that pursuant to the order dated 07.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail as the entire dowry articles/*stridhan* have not been recovered and allegations made against the petitioner are extremely serious.

4. In view of above, the interim order dated 07.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read 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.
6. 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 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 06, 2024
poonam

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