



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205 CRM-M-38850-2023(O&M)
Date of Decision: 18.05.2024

RAVI SHARMAPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Hitesh Ghai, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab

Ms. Anupreet S. Sidhu, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
68	02.07.2023	P.S. Payal, District Khanna	406 & 498-A of IPC

2. Vide order dated 09.08.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order 09.08.2023 reads as under:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.68 dated 02.7.2023, under Sections 406 and 498-A IPC, registered at Police Station Payal, District Khanna.

It is inter alia submitted by learned counsel for the petitioner that the petitioner was married to the complainant on 06.12.2019 and there is one child born out of the said



wedlock, who is admittedly now in the care and custody of the complainant-wife. It is submitted by learned counsel for the petitioner that there are general omnibus allegations made in the FIR against the petitioner and his family members. It is stated that there was no demand of Innova car or for one acre land by the petitioner and his family members, as has been incorrectly alleged in the FIR. It is submitted that the complainant-wife had left the matrimonial home at her own sweet will in December 2022. It is submitted that at that time, the complainant-wife was pregnant and the pregnancy was terminated by the complainant-wife without informing to the petitioner. It is submitted that mother-in-law of the complainant has already been granted the concession of anticipatory bail vide order dated 17.7.2023 by the learned Additional Sessions Judge, Ludhiana. Learned counsel for the petitioner submits that the petitioner is ready to join the investigation and undertakes to cooperate in the same.

Adjourned to 15.12.2023.

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.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;*



iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned State counsel as well as learned counsel for the complainant/respondent no.2 have submitted that the petitioner has joined the investigation on 01.08.2023. Further, his custodial interrogation is no more required. No useful purpose will be served by detaining him in custody. However, some gold articles and furniture are to be effected from the petitioner. Mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in cases titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764 and ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503.

4. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 09.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(MANISHA BATRA)
JUDGE

18.05.2024
Deepak Patwal

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |