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

214 **CRM-M-38609 of 2024**
DATE OF DECISION :- 10.09.2024

Charanjit Kaur **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. A.S. Khosa , Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Vipin Mahajan, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No. 182 dated 01.07.2024 registered for offences under Section 498-A of the IPC (Section 406 of IPC added later on), at Police Station Civil Lines Batala, District Batala.
2. On 09.08.2024, the following order was passed:-

Apprehending her arrest in FIR No.182 dated 01.07.2024 registered for offences punishable under Section 498-A of IPC, 1860 (Section 406 of IPC added later on) at Police Station Civil Lines Batala, District Batala; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that the petitioner is mother-in-law of the complainant and is aged about 60 years; the genesis of the FIR in question is a matrimonial dispute between the son of the petitioner and the complainant; the petitioner is willing to return all dowry articles/istridhan



including gold articles in her possession to the complainant; petitioner is ready for an amicable settlement as well & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. Mr. Vipin Mahajan, Advocate appears and files memorandum of appearance on behalf of respondent No.2. The same is taken on record.

The petitioner is directed to appear before the Investigating Officer on 14.08.2024 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 her 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. She shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

At this stage, learned counsel for the petitioner as also learned counsel for respondent No.2 have made a joint request that the matter be referred to the Mediation and Conciliation of this Court.

Keeping in view the totality of facts and circumstances of the case, especially the fact that the FIR in question emanates from a matrimonial discord, the parties (through their respective learned counsel) are directed to appear before the Mediation and Conciliation Centre of this Court on 20.08.2024

The petitioner shall furnish an amount of Rs.15,000/- to respondent No.2 on her appearance on the said date before the Mediator.

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Put up on 10.09.2024, along with the report of Mediator.”:

3. Learned State counsel, on instructions from SI Ashok Kumar, has stated that pursuant to the order dated 09.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned State counsel as also the learned counsel for 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/Istri-dhan are in possession of the petitioner and, in fact, the entire dowry articles/Istri-dhan 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 09.08.2024 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.



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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

10.09.2024
P.Singh

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