

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42539-2022 (O&M)

Date of decision: 05.02.2024

HARNEK SINGH

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ritesh Tomar, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. R.M. Sharma, Advocate
for respondent No.2/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.57 dated 26.08.2022, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Patiala, Punjab (Annexure P-1).

2 On 16.09.2022, following order was passed by the Coordinate Bench:-

“Counsel for the petitioner submits that the petitioner is 66 year old father-in-law of the complainant. She submits that there are non-specific allegations against the petitioner and the household articles of the complainant have been handed over to the Investigating Officer. An affidavit dated 16.09.2022 of the petitioner has been filed, which is taken on record, wherein, it has been undertaken that the petitioner will return all the dowry articles of the complainant, which are alleged to be in his possession.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of State-respondent No.1. Upon instructions from SI, Gurjeet Kaur,

he submits that recovery of the gold articles and cash is to be effected from the petitioner.

List on 28.10.2022.

Petitioner is directed to appear before the Investigating Officer at Police Station Women Cell, Patiala, Punjab on 26.09.2022 at 10.00 A.M. and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. The FIR was registered at the instance of daughter-in-law of the petitioner. It is an allegation that on 20.11.2020, the marriage of the complainant was solemnized with son of the petitioner but soon after the marriage, the husband and his family members started making a demand of cash and dowry articles. The complainant was being harassed continuously and she was given beatings on several occasions for not meeting the said demands.

4. Learned counsel for the petitioner further contends that the petitioner has joined the investigation in compliance of the order dated 16.09.2022 passed by Coordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required.

6. In view of the reasons recorded in the order dated 16.09.2022 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 16.09.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

05.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No