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217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-40713-2023 (O&M)
DATE OF DECISION : 30.05.2024

SUNNY PAWAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naveen Bawa, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.
Ms. Ravinder Kaur, Advocate for
Mr. Gurcharan Dass, Advocate for the complainant.

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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.33 dated 30.05.2023 registered at Police Station Women Cell, District Ludhiana, under Sections 406 & 498-A IPC.

2. As per the report of Mediation and Conciliation Center of this Court, the mediation has failed.

3. On 21.08.2023 following order was passed:

“xxxx Learned counsel appearing for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in the criminal case under reference whereas, in-fact, the complainant, his wife, had been pressurizing him to live separately from his family and had also been threatening him that otherwise, she would get him involved in some false criminal case and moreover, the petitioner is ready to join in the investigation as and when required and he is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Gurlal Singh Dhillon, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the



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respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 11.12.2023.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court.

5. Learned State counsel, on instructions from ASI Roop Singh, has also confirmed that the petitioner has joined investigation and further informs that the recovery of gold is yet to be effected.

6. Learned counsel for the complainant has opposed the bail application on the score that the recovery of gold is yet to be effected

7. The allegations and counter-allegations of the parties *inter se* each other are a matter of trial. The petitioner has joined investigation and his further custodial interrogation is not required. Merely on the ground of non-recovery of complete dowry articles, the relief cannot be declined to the petitioner.

8. In view of the aforesaid facts and the reasons recorded in the order dated 21.08.2023 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

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21.08.2023 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 also reserved in favour of the State/complainant to move for cancellation/recalling 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.

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

30.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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