

PARVINDER SINGH
2024.12.19 11:37
I attest to the accuracy and
authenticity of this
order/judgment



articles/Istridhan including gold articles in his possession; petitioner is ready for an amicable settlement & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Md. Asfak Alam versus The State of Jharkhand and another' 2023(3) R.C.R. (Criminal) 754 and 'Arnesh Kumar versus State of Bihar'' (2014) 8 SCR 128.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 12.09.2024.

The petitioner is directed to appear before the Investigating Officer on 17.08.2024 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 his 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. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023."

On 11.11.2024, the following order was passed:-

"Learned counsel for the rival parties have submitted that there are chances of amicable settlement between the parties & hence the matter be referred to Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioner (on instructions from the petitioner) has submitted that in order to show his bona fide, the petitioner shall furnish a sum of ₹25,000/- to the complainant-wife as litigation/travelling expenses on her appearance before the Mediation Centre.



Keeping in view the entirety of the facts and circumstances of the case, the parties (through their respective counsel) are directed to appear before the Mediation Centre on 14.11.2024.

On appearance being made by the complainant-wife before the Mediation Centre, the petitioner shall furnish an amount of ₹25,000/- (as undertaken by him through his counsel).

In pursuance to the order dated 7.11.2024, the Commissioner of Police, Jalandhar is present in Court. A short reply by way of his affidavit has also been filed in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Relevant portion of the said report reads as under:

‘That after examining the aforesaid report of the Station House Officer, Police Station Women, Jalandhar City, the deponent has placed Sub-Inspector Sarabjit Singh No.2345/Jalandhar, under suspension and has ordered the initiation of the Departmental Enquiry against him and sub-Inspector Harjit Singh No.229/JCP vide Office orders No.2627-35/Steno dated 8.11.2024 and 2636-42/Steno dated 8.11.2024 respectively for the dereliction of duty by them.’

The Commissioner of Police, Jalandhar shall file a status report regarding the departmental enquiry against the delinquent official.

Till further orders the personal presence of the Commissioner of Police, Jalandhar is exempted.

Interim order to continue.

Put up on 18.12.2024 awaiting the report of Mediator.”

The mediation proceedings initiated between the parties have not fructified.

3. Status report by way of affidavit of Sh. Swapan Sharma, IPS, Commissioner of of Police, Jalandhar City filed in the Court today. The same be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

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This Court has no doubt that the concerned police authority shall proceed further in accordance with law regarding the action initiated against the allegedly delinquent police officials.

Learned State counsel, on instructions from ASI Sukhdev Singh, has stated that pursuant to the order dated 13.08.2024, the petitioner has joined investigation but is not cooperating therein for the purpose of recovery.

4. Learned counsel for the complainant-respondent NO. 2 has also submitted that no recovery *ney* (substantial recovery) has been effected and hence the petition in hand ought to be dismissed.

5. Once the petitioner has joined the investigation and has cooperated therein except for recovery of the dowry articles, this ground by itself cannot be construed as sufficient to decline the anticipatory bail of the petitioner when the petitioner has cooperated with to the investigating agency on all other counts.

6. In view of above, the present petition stands allowed and the interim order dated 13.08.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

7. 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.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition



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stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

9. 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

18.12.2024
P.Singh

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