



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

214

**CRM-M No.39567 of 2024
Date of decision : 12.11.2024**

Sahil Aneja**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shiv Kumar Sharma, Advocate, for the petitioner

Mr. Adhiraj Singh Thind, AAG Punjab

Mr. S.S. Sangwan, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 read with Section 528 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.49 dated 6.7.2024, under Sections 406/498-A of the IPC, registered at Police Station Women, District Ludhiana.

2. On 23.9.2024, the following order was passed:-

‘On 02.09.2024, the following order was passed:

“Status report, by way of affidavit of Gurpreet Singh (PPS) ACP, CAW & Licensing Authority, Ludhiana has been filed by learned State counsel in the Court today and the same is taken on record.

Inter alia contends that the genesis of the FIR in question is the matrimonial discord between the petitioner and complainant-wife; petitioner is willing to return all dowry articles/istridhan including gold articles in his possession to



*the complainant; petitioner is ready for an amicable settlement as well & petitioner is willing to join investigation and cooperate therein in accordance with law. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.** Put up on 23.09.2024.*

The petitioner is directed to appear before the Investigating Officer on 05.09.2024 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 Bharatiya Nagarik Suraksha Sanhita, 2023.”

Learned counsel appearing for the State, on instructions from Inspector Kulwant Kaur, submits that the petitioner has joined investigation.

Learned counsel appearing for the petitioner, in order to show his bona fide, is willing to give cheque of Rs.4.00 lacs to the complainant as also the articles which are available with him.

At this stage, learned counsels for the petitioner and complainant have made a joint request that the matter may be referred to Mediation and Conciliation Centre of this Court.

In the interest of justice, as also the joint request made by learned counsel, the parties (through their respective learned counsel) are directed to appear before the Mediation and Conciliation Centre of this Court on 14.10.2024 or any other date fixed thereafter for exploring the possibility of amicable settlement. Learned counsel for the parties undertake to assist the said Forum during the proceedings.

Ordered accordingly.

A cheque of Rs.4.00 lacs bearing No.324723 dated 05.09.2024 has been handed-over by learned counsel for the petitioner to learned counsel appearing for the complainant for onward transmission to the



complainant. Photocopy of the cheque has been placed on record.

The petitioner is directed to appear before the Investigating Officer again on 30.09.2024 at 11:00 A.M. in concerned Police Station and join investigation and hand-over the dowry articles stated to be in his possession as per the stand of the petitioner. The handing over the cheque as also the articles will not cause any prejudice to the rights/contentions of the rival parties.

Let the matter be listed again before this Court on 12.11.2024 along with the report of the Mediator.'

3. Learned State counsel (on instructions from ASI Surinderpal) submits that pursuant to the order dated 23.9.2024, the petitioner has joined investigation and has cooperated therein except for recovery of dowry articles. He has submitted that the petitioner has not got affected recovery of any substantial dowry articles, especially the gold articles.
4. Learned counsel appearing for the complainant has filed his *vakalatnama*, which is kept on record. He has argued that the allegations made against the petitioner in the FIR in question are serious in nature and hence, he ought not to be extended the concession of anticipatory bail. Learned counsel has further iterated that no recovery of dowry articles especially gold articles has been affected and thus the petitioner is not entitled to the concession of anticipatory bail from this Court. Learned counsel has further submitted that, when interim anticipatory bail was granted to the petitioner on 23.9.2024, it was submitted on behalf of the petitioner that he was willing to return the dowry articles including gold articles in his possession, and hence the bail petition is to be rejected.
5. I have heard learned counsel for the parties and have perused the available record.



6. The FIR in question essentially emanates from a matrimonial discord. Vide order dated 23.9.2024 the petitioner was extended the concession of interim anticipatory bail and was directed to join investigation. The matter was also sent to Mediation Centre of this Court for making an effort to arrive at an amicable settlement but the same could not fructify.

The petitioner has shown his *bona fide* by handing over a cheque of ₹ 4 lakhs to the complainant as recorded in the order dated 23.9.2024 but the same has been returned by learned counsel for the complainant to learned counsel for the petitioner in Court today. It is, thus, indubitable that the petitioner has shown his *bona fide* in terms of order dated 23.9.2024 wherein it was recorded that the petitioner is willing to hand over the dowry articles in his possession.

Keeping in view the entirety of the facts and circumstances of the case, especially the factum of the petitioner having joined the investigation and not required for custodial interrogation except for recovery of alleged dowry articles; the interim order dated 23.9.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 482 (2) of BNSS.

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 stipulated under Section 482 (2) of BNSS, 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

12.11.2024
Ashwani

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