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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41600-2023 (O&M)
Date of Decision: 30.01.2024

GULBAHAR

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naveen Batra, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.
Mr. A.S. Tagra, Advocate for respondent No.2.
...

SUMEET GOEL, J. (Oral)

1.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.114 dated 08.04.2023 under Sections 323, 498-A, 406, 506, 148 and 149 IPC registered at Police Station City Kharar, District SAS Nagar.
2.

On 18.12.2023, the following order was passed:-

“As per the mediation report mediation has failed.
List on 30.01.2024.
The parties shall remain present in Court on the next date of hearing.
Interim order to continue.
Meanwhile, the petitioner is directed to join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”
3.

Learned State counsel on instructions from ASI Bhupinder Singh, has stated that pursuant to the order dated 18.12.2023, the petitioner has joined investigation and is no longer required for custodial

interrogation. However, the entire dowry articles have not yet been recovered.

4. Learned counsel for complainant/respondent No.2 pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

5. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

6. However, in order to lend quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of Rs.50,000/- with the learned Illaqa Magistrate within four weeks from today. On his doing so, learned Illaqa Magistrate will release the same in favour of complainant/respondent No.2 upon due identification. This shall be without prejudice to rights and contentions of rival parties.

7. In terms of order dated 24.08.2023, the petitioner has deposited an amount of Rs.2 lacs with the Registrar (General) of this Court. The same be also released to respondent No.2 upon due identification.

8. In view of above, the interim order dated 18.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

9. 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.

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 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

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.

30.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No