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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-41978-2023 (O&M)  
Date of Decision: 30.01.2024

KHUSHNUDA

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondent

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 30.10.2023, the following order was passed:-

*“An amount of ₹2,00,000 has been deposited by the son of the petitioner. The anticipatory bail granted to the brother-in-laws and the father-in-law of respondent No.2-complainant has been made absolute vide order of the even date passed in CRM-M-39095-2023 and CRM-M-40069-2023.*

*List on 18.12.2023.*

*Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. 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 30.10.2023, 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 the complainant 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 her.

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 her doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.

7. In view of above, the interim order dated 30.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

8. 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.

9. 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.

10.           Needless to say that anything observed herein above shall not  
  
be construed to be an opinion on the merits of the case.
11.           Pending application(s), if any, shall also stand disposed off.

30.01.2024

(SUMEET GOEL)

*Jasmine Kaur*

JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |