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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41523-2024 (O&M)
Date of decision: 27.09.2024

Jagdish Raj and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Geeteshwar Saini, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ritesh Pandey, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail to the petitioners in
case bearing FIR No.49 dated 10.08.2024 under Section 498-A of the Indian
Penal Code, 1860, registered at Police Station Kahnuwan, District
Gurdaspur.

2. On 27.08.2024, the following order was passed:-

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“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre arrest bail to the petitioners in case bearing FIR No.49 dated 10.08.2024 under Section 498-A of IPC registered at Police Station Kahnuwan, District Gurdaspur (Annexure P-1).

Learned counsel for the petitioners inter alia contends that the petitioners are mother-in-law and father-in-law of respondent No.2 and husband of respondent No.2 went abroad to earn his livelihood as per the wishes of the complainant/respondent No.2 and the couple lived separately. The petitioners have been falsely implicated in the present case only for the reason that they have executed a transfer deed in favour of their divorcee daughter, namely, Neetu Bala. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 03 years.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Ritesh Pandey, Advocate puts in appearance on behalf of respondent No.2 and vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the dowry articles are yet to be recovered which are in the possession of the petitioners.

*In the meantime, keeping in view the law enunciated by the Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioners are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would

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appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.
Adjourned to 27.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from SI Ramesh Lal, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 27.08.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

27.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No