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

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CRM-M-43234 of 2024
DATE OF DECISION :- 23.10.2024

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Arora, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Parampal Singh, Advocate
with Mr. Harmanpreet Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 13 dated 10.03.2024, registered for offences under Section 498-A IPC(offence under Section 406 IPC added later on), at Police Station Jhander, District Amritsar Rural.

2. On 12.09.2024, the following order was passed:-

“Short reply filed by the State today in Court. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

Learned counsel for the petitioner as also learned counsel for the complainant have submitted that there may be chances of amicable settlement between the parties.

A joint request has, thus, been made to refer the matter to Mediation and Conciliation Centre of this Court.

Keeping in view the entirety of the facts and circumstances of the case, especially the factum that the FIR in question is a matrimonial discord between the petitioner and his wife, the parties (through



their respective counsel) are directed to appear before the Mediation and Conciliation Centre of this Court on 19.9.2024.

On appearance being made by the complainant before the Centre, learned counsel for the petitioner has submitted that the petitioner shall furnish an amount of ₹2.50 lakhs to the complainant towards litigation expenses as also towards the alleged entire dowry articles stated to have been given to the petitioner.

Learned counsel for the petitioner has further submitted that this amount shall be paid to the complainant without prejudice to the rights/contentions of the petitioner.

Put up on 23.10.2024 alongwith the report of the Mediator.

The petitioner is directed to appear before the Investigating Officer on 16.9.2024 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 the Bharatiya Nagarik Suraksha Sanhita, 2023.”

3. The mediation proceedings initiated between the parties have not fructified.
4. Learned State counsel, on instructions from ASI Angrej Singh, has stated that pursuant to the order dated 12.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned State counsel as also the learned counsel for the complainant have submitted that only partial recovery of dowry articles has been effected and remaining dowry articles are yet to be recovered.
5. Learned counsel for the petitioner has submitted that no dowry articles/Istridhan are in possession of the petitioner and, in fact, the entire dowry articles/Istridhan is with the aggrieved-wife.

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6. I have heard the learned counsel for the rival parties and have perused the paper book.

7. It will be apposite to refer to a judgment dated 12.02.2024 passed by this Court in CRM-M-60647-2023 titled as **“Varun Sharma Vs. State of Punjab and another”**, relevant whereof reads as under:

“11. As a sequel to the above said discussion, the following principles of law emerge:-

(I) Non-recovery of dowry articles/Istri-dhan cannot ordinarily be a ground, by itself, for declining a plea for grant of anticipatory bail to the husband or his relatives.

(II) The conduct of an accused, is indeed, a relevant factor for consideration of a plea for grant of anticipatory bail on behalf of such accused. Such conduct would also include the cooperation, in accordance with law, extended by such accused for recovery of dowry articles/Istri-dhan. Whether or not such cooperation was extended by the accused would be ascertainable from the facts and circumstances of a given case.

(III) In exceptional cases, if the peculiar and/or accentuating facts/circumstances of the case so warrant, a Court would be well within its discretion to pass a direction to the petitioner-accused to deposit in Court or remit to the complainant-wife an appropriate amount towards the Istri-dhan/dowry articles. Needless to state herein that it is neither possible nor desirable to enumerate a set of guidelines in this regard & a Court would have to exercise its judicial discretion in this regard in the facts and circumstances of a given case.”

8. Non-recovery of dowry articles/Istridhan in entirety thereof cannot, by itself, be a cause for rejection of the present plea for anticipatory bail by the petitioner especially when the State does not require custodial interrogation of petitioner on any other count except for effecting recovery of remaining dowry articles/Istridhan. The aspect, as to what all are the dowry articles/Istridhan in question in the present case & whether the entire dowry articles have been recovered or not, shall be essentially gone into during the course of trial. No accentuating circumstances are decipherable,



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from the factual matrix of the present case, so as to direct the petitioner to deposit any amount towards the alleged non-recovery of complete dowry articles. No such misconduct by the petitioner has been pointed out which may dissuade this Court from confirming the interim anticipatory bail to the petitioner.

9. In view of above, the petition is allowed and interim order dated 12.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

10. This order should not be treated as “blanket” order. It will not be interpreted as 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.

11. 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, 2023 or upon showing any other sufficient cause.

12. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

23.10.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No