



CRM-M-48243-2023 (O&M)

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218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48243-2023 (O&M)

DATE OF DECISION : 30.05.2024

MANPREET SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. C.K.Singla, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. M.K.Dhot, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.57 dated 11.08.2023 registered at Police Station Sherpur, District Sangrur, under Section 498-A IPC (Section 406 IPC added later on).
2. As per the report of Mediation and Conciliation Center of this Court, the mediation has failed.
3. On 22.09.2023 following order was passed:

“xxxx Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely roped in as an accused in the criminal case under reference whereas he had never ever subjected the complainant-wife to cruelty on any score and moreover, the petitioner is ready and willing to join in the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case. Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared in the present case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions in this matter from the quarter



concerned and if deemed necessary, then to file the Status-Report also.

At this stage, Mr., Chandan Jindal, Advocate, has also put in appearance on behalf of the complainant in the present petition and has submitted his Power of Attorney in the Court and the same has been placed on the file.

Adjourned to 18.12.2023.

Meanwhile, the petitioner shall join in the investigation on 06.10.2023 at 10.00 A.M. sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by Co-Ordinate Bench of this Court.

5. Learned State counsel, on instructions from ASI Gurtej Singh, has also confirmed that the petitioner has joined investigation and further informs that his custodial interrogation is not required.

6. Learned counsel for the complainant has opposed the bail application on the ground that the recovery of dowry articles is yet to be effected.

7. The allegations and counter-allegations of the parties *inter se* each other are a matter of trial. The petitioner has joined investigation and his further custodial interrogation is not required. Merely on the ground of non-recovery of complete dowry articles, the relief cannot be declined to the petitioner.

8. In view of the aforesaid facts and the reasons recorded in the order dated 22.09.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the

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Investigating Agency, the present petition is allowed and the order dated 22.09.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

11. All the pending miscellaneous applications, if any, shall stand disposed of.

30.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*