

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-48788-2023

Date of decision:12.01.2024

Sudhir Sharma

...Petitioner

V/s

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vaibhav Goel, Advocate for the petitioner.

Mr. Tarun Veer Singh Lehal, Addl. A.P. U.T. Chd.

SUMEET GOEL, J.

1. On 05.10.2023, the following order was passed:-

“Prayer in this 1^a petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 40 dated 11.08.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Sector-17, Chandigarh.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. The petitioner was married to the complainant/wife on 03.11.2014. No child was born out of the said wedlock. It is submitted that the main allegation levelled against the petitioner is regarding the demand of dowry, however, no details qua the alleged demand of dowry have been mentioned in the FIR. It is further submitted that the allegations levelled in the FIR are false and fabricated, because FIR does not mention on what date and time the petitioner demanded dowry or harassed the complainant. It is also submitted that since he received notice under Section 41 Cr.PC., the petitioner has been co-operating with the investigating agency and will continue to do so. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. T.V.S. Lehal, Addl. P.P. for U.T. Chandigarh accepts notice on behalf of respondent-U.T. Chandigarh.

Adjourned to 12.01.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, learned Addl. P.P. for U.T. Chandigarh is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

2. Learned State counsel has stated that pursuant to the order dated 05.10.2023, the petitioner has joined investigation.

3. In view of above, the interim order dated 05.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.

5. 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.

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

(SUMEET GOEL)
JUDGE

January 12, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No