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206 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-49547-2023 (O&amp;M)

DATE OF DECISION : 24.07.2024

MOHD. JAKIR @ ZAKIR

... PETITIONER

V/S

STATE OF UT CHANDIGARH

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shahin Hussan, Advocate for the petitioner.  
Mr. J.S. Toor, Addl. P.P. U.T. Chandigarh.  
Mr. Shakti Mehta, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 38 dated 10.08.2023 registered at Women Police Station, Chandigarh, under Sections 406 and 498-A IPC.

2. On 03.10.2023 following order was passed by the Co-Ordinate Bench of this Court:

“xxxx Learned counsel for the petitioner, inter-alia, contends that the petitioner, who happens to be the father-in-law of the complainant, did not ever subject her (complainant) to cruelty for demanding dowry and rather, the petitioner had disowned his son, i.e the husband of the complainant, long back in the year 2021 by way of publication in the newspaper (Annexure P-3) and thereafter, he had no concern with his son and the complainant and moreover, the petitioner is ready and willing to join in the investigation as and when required by the Investigating Agency and he is also not involved in any other criminal case.

Notice of motion.

Mr. J.S. Toor, learned Assistant Public Prosecutor, UT,

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Chandigarh, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-UT in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 15.12.2023.

Meanwhile, the petitioner shall join in the investigation on 18.10.2023 at 10:00 AM 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. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court.

4. Learned counsel for the complainant has opposed the bail application on the ground that there are allegations against the petitioner, who is father-in-law of the complainant that he has made an attempt to sexually abuse the complainant.

5. Learned State counsel has confirmed that the co-accused of the petitioner, who is husband of the complainant has been arrested. The petitioner has joined the investigation and further custodial interrogation of the petitioner is not required. The FIR does not contain any allegations regarding the sexual abuse at the hands of the petitioner

6. In view of the aforesaid facts and the reasons recorded in the order dated 03.10.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated

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03.10.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

8. 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.

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

**24.07.2024**

Janki

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