

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

201 CRM-M-53058-2022 (O&M)
Date of order: 21.02.2024

Sunil KumarPetitioner(s)

Vs.

State of PunjabRespondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA
Present:- Mr. Gaurav Partap S. Pathania, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

Nidhi Gupta, J.

Prayer in the present first petition is for grant of anticipatory bail to the petitioner in a case FIR No.134 dated 28.09.2022 registered under Sections 498-A and 406 IPC at Police Station Sujanpur, District Pathankot, Punjab (Annexure P1).

2. On 17.11.2022, a Co-ordinate Bench of this Court had passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.134, dated 28.09.2022, under Sections 498-A, 406 IPC, registered at Police Station Sujanpur, District Pathankot.

It has been contended by counsel for the petitioner that petitioner solemnized the marriage with the complainant on 14.07.2020. However, soon after the marriage, he came to know that the complainant was already married and without taking divorce from her first husband, she got married with the petitioner by concealing the said fact and on account of the same, the matrimonial

discord took place between husband and wife. He submits that thereafter the complainant left the matrimonial home in August 2021 itself and since then she is living separately. He submits that thereafter the complainant/wife filed a petition under Section 9 of the Hindu Marriage Act for restitution of the conjugal rights, however, fact regarding concealment of earlier marriage of the complainant remained the bone of contention between the husband and the wife. He submits that thereafter the petitioner filed a petition under Section 11 of the Hindu Marriage Act for dissolution of the marriage and as a counter blast to the same, the complainant has filed the present FIR on the basis of false and frivolous allegations. He submits that the allegations pertaining to harassment caused on account of demand of dowry are totally without any basis. He relies upon **Arnesh Kumar vs State of Bihar and another**, 2014(3) SCC (Crl.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 06.03.2023.

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

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(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 from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing”.

3. Learned State Counsel on instructions states that in terms of the aforesaid order passed by a Co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation on 05.12.2022 and he was co-operating. It is further submitted that even dowry articles have been recovered from the petitioner; and no further interrogation is required at this stage.

4. In view of the above, the order dated 17.11.2022 granting interim bail to the petitioner is made **absolute**.

5. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future and when called upon to do so.

6. In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

21.02.2024
Sunena

(Nidhi Gupta)
Judge

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