

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-52037-2023

Date of decision:29.01.2024

Pankaj Juneja

....Petitioner

V/s

State of Punjab and another

....Respondents

**CORAM: HON’BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. IPS Kohli, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG Punjab.

Mr. Akhil Ahuja, Advocate for respondent No.2.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.32 dated 15.04.2023, under Sections 406/498-A IPC registered at Police Station Women Cell, District Patiala.

On 13.10.2023 the following order was passed:-

*“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.32 dated 15.04.2023 under Sections 406/498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, District Patiala.*

*Learned counsel for the petitioner states that the petitioner is willing to settle the matter. He further states that even after the lodging of the FIR the parties have celebrated the birthday of their child on 05.08.2023. It is further the contention that in any case the petitioner would return all the Istridhan articles which are lying with him.*

*Notice of motion.*

*Mr. Mohinder Singh Joshi, Addl. AG Punjab accepts notice on behalf of the respondent-State of Punjab. Let notice be issued to respondent No.2 returnable 15.01.2024.*

*Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”*

2. Learned State counsel, on instructions from HC Rahul Kumar, has stated that pursuant to the order dated 13.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.
3. Learned counsel for the complainant submits that the petitioner has not returned all the dowry articles.
4. The question as to whether the entire dowry articles have been returned will be gone into during the course of trial & same cannot be looked into at this stage. The allegation of non-recovery of entire dowry articles cannot be termed as a reason for rejecting a prayer for anticipatory bail.
5. In view of the above, the interim order dated 13.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
6. 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.
7. 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.

8.               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 29, 2024  
*Ajay*

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