

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49498-2024

Date of decision: 04.11.2024

Reetu and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vijay Rana, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0021 dated 21.08.2024 (Annexure P-1) under Sections 406/498-A/120-B of IPC registered at Police Station NRI, District Jalandhar Rural.

On 03.10.2024, the following order was passed:-

‘The present petition has been filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the petitioners in case bearing FIR No.0021 dated 21.08.2024 under Sections 406, 498-A and 120-B of Indian Penal Code registered at Police Station NRI, District Jalandhar Rural.

*Learned counsel for the petitioners inter alia contends that petitioners are mother-in-law and father-in-law respectively, of the complainant. It is further contended that perusal of FIR(supra) indicates that there is no allegation on account of demand of dowry against the petitioners and the complainant has herself left the matrimonial home and maximum sentence provided for the offences under the which FIR(supra) has been registered, is punishable upto 03 years and no notice under Section 41-A of Cr.P.C. was served upon the petitioners. As such, the petitioners are entitled to anticipatory bail in view of the directions issued by the Hon’ble Supreme Court in **Md.***



Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754.

Notice of motion.

On the asking of the Court, Mr. Rishabh Singla, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Ankur Bansal, Advocate puts in appearance on behalf of the complainant (through video conferencing) and files his vakalatnama in the Court which is taken on record. He vehemently opposes the grant of anticipatory bail to the petitioners on the ground that son of the petitioners has deserted the complainant and left for Canada and her documents are still in possession of the petitioners and an amount of Rs. 10,00,000/- has been obtained from the complainant for the purpose of immigration. Thus, there are specific allegations against the petitioners on account of demand of dowry.

*Keeping in view the ratio of law enunciated by Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, the petitioners are directed to appear before Investigation Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

5. If the arresting officer does not permit the petitioners to join the investigation, the petitioners would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

6. Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.

Adjourned to 04.11.2024.'

Learned State counsel on instructions from SI Harjinder Singh, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

Learned counsel appearing for the complainant vehemently opposes the grant of anticipatory bail to the petitioners on the ground that there

are specific and serious allegations against them and they are not entitled to any relief.

In view of the statement of learned State counsel, order dated 03.10.2024 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.11.2024
Neha

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