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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54047-2023 (O&M)

Date of Decision: 04.03.2024

Gurpreet Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Simranjeet Singh Sarwara, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

None for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 160 dated 23.08.2023 under Section 406, 498-A IPC registered at Police Station Sadar Samana, District Patiala.
2. On 25.10.2023, the following order was passed:-

“The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 160 dated 23.08.2023 under Section 406, 498-A IPC registered at Police Station Sadar Samana, District Patiala.

Notice of motion.

On asking of the Court, Ms. Lavanya Paul, DAG, Punjab appears and accepts notice on behalf of the respondent-State and seeks time to file status report. A copy of the paper book be supplied to her during the course of the day. She further submits that part of the dowry articles have been recovered and other remaining articles including jewellery is yet to be recovered from the petitioner. She has submitted that petitioner in order to harass the complainant and her family members, left the house by leaving suicide note. She fairly admits that FIR is silent about entrustment of dowry articles to the petitioner.

Ms. Jaishree Kaushik, Advocate appears on behalf of the complainant and has filed her power of attorney. The same is taken on record.

Learned counsel for the complainant submits that the complainant does not want divorce and she wants to live with the petitioner and if some efforts for settlement are made then marriage may survive.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 03.11.2023 or any date thereafter as directed and Rs. 2000/- per her personal visit shall be paid to the complainant by the petitioner.

In the meantime, it is directed that petitioner be not arrested till the next date.

For awaiting report, adjourned to 06.12.2023.”

3. Thereafter on 06.12.2023, the following order was passed:

“Mediation has failed.

Status report by way of an affidavit dated 06.12.2023 of Neha Aggarwal, PPS, Deputy Superintendent of Police, Sub Division Samana, District Patiala filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place.

No one has put in appearance on behalf of the complainant despite the case being called twice. In the interest of justice, adjourned to 28.02.2024.

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 adequate surety and personal bonds 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.”

4. Learned State counsel, on instructions from ASI Satpal, has stated that pursuant to the order dated 06.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the petition is allowed and interim order dated 06.12.2023 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 interpreted as 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.
9. Pending application(s), if any, shall also stand disposed off.

04.03.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No