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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53908-2023 (O&M)
Date of Decision: 11.01.2024

MANJEET MASIH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Komal Preet Kaur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Ms. Ravinder Kaur, Advocate for the complainant.

...

SUMEET GOEL, J. (Oral)

1. On 20.10.2023, 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.144 dated 05.08.2023 under Sections 498-A/406 of the Indian Penal Code, 1860, registered at Police Station Dinanagar, District Gurdaspur (Annexure P-1).

Learned counsel for the petitioner would contend that this was the second marriage of the complainant with the petitioner which was solemnized on 13.03.2019 and one son was born out of the marriage. Earlier a complaint had been registered which was compromised. Learned counsel for the petitioner would further contend that the only allegation is regarding the demand of Rs.2,00,000/- and that certain household articles and one gold ring were entrusted to the husband. Learned counsel would further contend that the petitioner is willing to join investigation and to return all the istridhan articles in his possession.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the State-respondent No.1.

Let notice be issued to respondent No.2 returnable 11.01.2024.

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 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.”

2. Learned State counsel on instructions from ASI Kulwinder Singh has stated that pursuant to the order dated 20.10.2023, 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 pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

4. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

5. However, in order to settle down things for the present, the petitioner will deposit a sum of Rs.20,000/- with the learned Illaqa Magistrate within three weeks from today. On his doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.

6. In view of above, the interim order dated 20.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. 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.

8. 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.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

11.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No