

Sr. No.203

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56268-2022
Date of decision: 10th April, 2024

HARSHIT UPPAL **.....Petitioner**

versus

STATE OF PUNJAB **.....Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Harish Sharma, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.242 dated 14.10.2022, under Sections 323, 406, 498-A, 509 IPC, registered at Police Station Division No.8, District Ludhiana (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. The FIR is non-specific regarding the allegations of demand of dowry and misappropriation of dowry articles.
3. Learned counsel for the petitioner also submits that the petitioner was granted interim bail as per the order dated 05.12.2022, passed by the co-ordinate Bench of this Court. The relevant portion of the same reads as under:-

“XXXXXX

Counsel for the petitioner contends that FIR is non specific insofar as allegations of demand and misappropriation of dowry articles are concerned. He submits that marriage of the parties took place on 15.06.2020 during the lockdown and they were known to each other. Counsel submits that there is a possibility of settlement.

Notice of motion.

On asking of the Court, Mr. P.S. Grewal, DAG, Punjab, who is assisted by Mr. Harish Sharma, Advocate for the complainant, accepts notice and has filed Power of Attorney in Court, which is taken on record.

Petitioner is directed to appear before the Investigating Officer on 09.12.2022 at 11.00 A.M. at Police Station Division No.8, District Ludhiana, and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 05.01.2023 at 10.00 am.

List on 10.05.2023 to await the report of the learned Mediator.

On the day of their appearance before the Mediator, the petitioner will pay a sum of Rs.30,000/- as litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of the proceedings.

XXXXXXX"

4. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 05.12.2022 passed by the co-ordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Harjeet Singh, confirms that the petitioner has joined

investigation on 09.12.2022 and also contends that his custodial interrogation is not required.

6. Learned counsel appearing on behalf of the complainant has opposed the present petition on the ground that complete recovery of gold articles has not been effected from the petitioner. He further submits that the bills pertaining to the purchase of gold articles have been handed over to the Investigating Agency.

7. As per the order dated 10.05.2023, the matter was referred to the Mediation and Conciliation Centre of this Court. As per the report received from the Mediator, joint as well as separate mediation sessions were held for both the parties, however, the mediation failed.

8. There is no apprehension that the petitioner is going to interfere with the investigation process or the trial proceedings. Merely on the ground of non-recovery of gold articles, the present petition cannot be rejected.

9. In view of the reasons recorded in the order dated 05.12.2022 and keeping in view the fact that the petitioner has joined investigation and his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 05.12.2022, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition

stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

10th April, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>