

2024:PHHC:017590

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

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CRM-M-54563-2023

Date of decision:08.02.2024

Gurpreet Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Nandan Jindal, Advocate and
Mr. Abhinandan Jindal, Advocate and
Mr. Tushar Sabharwal, Advocate for the petitioner.

Mr.Hemant Aggarwal, AAG, Punjab.

Mr. Narinder Kumar Awasthi, Advocate,
for respondent No.2.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.0011 dated 01.09.2023, registered for the offences punishable under Sections 498-A and 406 of IPC at Police Station Women, District Sangrur.

2. On 31.10.2023, the following order was passed:-

“The petitioner herein seeks the relief of pre-arrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.0011 dated 01.09.2023 registered at Women Police Station Sangrur, District Sangrur, under Sections 498-A and 406 IPC.

Learned counsel for the petitioner, inter-alia, contends that the complainant-wife has got the petitioner-husband falsely implicated in the criminal case under reference whereas in fact,

the petitioner had never ever subjected her to cruelty nor had demanded any dowry as falsely alleged in the subject FIR and rather, the complainant has started residing with her parents after the unfortunate death of her brother and has, thus, left her matrimonial home out of her own sweet will and moreover, the petitioner is ready and willing to join the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 08.02.2024.

Let notice be issued to respondent No.2 for the date fixed through ordinary process, email or any other electronic mode.

Meanwhile, the petitioner shall join in the investigation on 14.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Avtar Singh, has stated that pursuant to the order dated 31.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature & entire dowry articles/stridhan are yet to be recovered.

4. In view of above, the interim order dated 31.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. 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.
6. 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.
7. 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

February 08, 2024
poonam

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