



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.51136 of 2024
Date of decision: 29.11.2024

SHAMINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Davinder Singh Khurana, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

Mr. Gurpal Sandhu, Advocate for the complainat.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory
bail to the petitioner in case FIR No.50 dated 18.09.2024 registered under
Sections 316(2) and 85 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') at
Police Station Lakhewali, District Sri Muktsar Sahib.
2. Vide order dated 18.10.2024, passed by this Court, the petitioner
was granted interim bail and was directed to join investigation. Order dated
18.10.2024, passed by this Court, reads as under:

*“The instant petition has been filed by the petitioner under
Section 482 of Bharatiya Nagarik Suraksha Sanhita (for short-
'BNSS'), 2023 for grant of pre arrest bail in case arising out of
FIR No.50 dated 18.09.2024 registered under Sections 316(2) and
85 of Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS') at Police
Station Lakhewali, District Sri Muktsar Sahib on the basis of*



written complaint-Darshan Singh alleging therein that his daughter namely, Harpreet Kaur was previously married with Amanpreet Singh on 17.07.2019. She was subjected to cruelty by him and a panchayati divorce had taken place between them. His daughter was then married to present petitioner on 18.10.2023. Allegations have been made that the petitioner had also started subjecting his daughter to cruelty by raising a demand of ₹8 lacs for purchasing a car and therefore, she had left her matrimonial house. Therefore, he prayed for taking action against the petitioner. After registration of the FIR, investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Sri Muktsar Sahib vide order dated 09.10.2024.

It is argued by learned counsel for the petitioner that the FIR is the counter-blast to the petition filed by him under Section 12 of the Hindu Marriage Act against the daughter of the complainant seeking annulment as without seeking a legal decree of divorce from his previous husband, his daughter had performed marriage with the petitioner by concealing this fact. It is also argued that he has been falsely implicated as the allegations levelled against the petitioner do not make out any case for commission of subject offences. He is ready to join the investigation. His custodial interrogation is not required. Neither



any recovery is to be effected from him. Therefore, it is urged that the present petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter while submitting that keeping in view the allegations as levelled in the FIR, the petitioner does not deserve to be extended benefit of pre arrest bail.

Adjourned to 29.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report dated 25.11.2024 filed on behalf of respondent-State is taken on record. Learned State counsel has submitted that though the petitioner has joined the investigation on 25.10.2024, but some dowry articles could not be recovered at the instance of the petitioner and the petitioner is not cooperating with the investigating agency to that extent. However, she has not submitted as to in what manner, the cooperation had not been extended by the petitioner.



4. Mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and in case titled as ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 18.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

29.11.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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