



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

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**CRM-M No.52968 of 2024
Date of decision : 3.12.2024**

Anterpreet Singh**.....Petitioner****Versus****State of Punjab and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Vinod Pundir, Advocate, for the petitioner
Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner in case FIR No.107 dated 7.9.2024, under Sections 406 and 498-A of IPC, registered at Police Station Women Cell, Jalandhar, District Jalandhar.

Office note indicates that respondent no.2 stands served. However, none has caused appearance on her behalf despite case having been called out twice since morning.

2. On 24.10.2024, the following order was passed:

'At the outset, learned counsel for the petitioner states that, due to inadvertence, the complainant could not be impleaded as a party-respondent. On his request, the complainant-respondent is directed to be impleaded as party-respondent No. 2. The details of the complainant-respondent No. 2 are as under :-

"Gursimrandeep Kaur d/o Ujjagar Singh resident of H.No. 116, Gali No. 1, Rama Mandi, Kohinoor Enclave, Ladhowali Road, Jalandhar presently resident at H. No. 94, Gali No. 4



near Rama Mandi, Kohinoor Enclave, Ladhowali Road, Jalandhar .”

The Registry is directed to carry out requisite correction in the memo of parties.

Apprehending his arrest in FIR No. 107 dated 07.09.2024 registered for offences punishable under Sections 406, 498-A IPC at Police Station Women Cell Jalandhar, District Jalandhar; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that genesis of the FIR in question is the matrimonial discord between the petitioner and the complainant-wife; the petitioner is willing to return the entire dowry articles/Istridhan including gold articles in his possession; petitioner is ready for an amicable settlement with the complainant-wife & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon’ble Supreme Court in ‘Md. Asfak Alam versus The State of Jharkhand and another’ 2023(3) R.C.R. (Criminal) 754 and ‘ Arnesh Kumar versus State of Bihar’’ (2014) 8 SCR 128.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 25.11.2024.

The petitioner is directed to appear before the Investigating Officer on 29.10.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.’

3. Learned State counsel (on instructions from ASI Sukhdev Singh) submits that pursuant to the order dated 24.10.2024, the petitioner has joined investigation and except for the fact that no recovery of dowry articles/Istridhan has been effected.



4. It will be apposite to refer to a judgment dated 12.02.2024 passed by this Court in CRM-M-60647-2023 titled as **“Varun Sharma Vs. State of Punjab and another”**, relevant whereof reads as under:

“11. As a sequel to the above said discussion, the following principle of law emerge :-

(I) Non-recovery of dowry articles/Istri-dhan cannot ordinarily be a ground, by itself, for declining a plea for grant of anticipatory bail to the husband or his relatives.

(II) The conduct of an accused, is indeed, a relevant factor for consideration of a plea for grant of anticipatory bail on behalf of such accused. Such conduct would also include the cooperation, in accordance with law, extended by such accused for recovery of dowry articles/Istri-dhan. Whether or not such cooperation was extended by the accused would be ascertainable from the facts and circumstances of a given case.

(III) In exceptional cases, if the peculiar and/or accentuating facts/circumstances of the case so warrant, a Court would be well within its discretion to pass a direction to the petitioner- accused to deposit in Court or remit to the complainant-wife an appropriate amount towards the Istri-dhan/dowry articles. Needless to state herein that it is neither possible nor desirable to enumerate a set of guidelines in this regard & a Court would have to exercise its judicial discretion in this regard in the facts and circumstances of a given case.”

5. Non-recovery of dowry articles/Istri-dhan in entirety thereof cannot, by itself, be a cause for rejection of the present plea for anticipatory bail by the petitioner especially when the State does not require custodial interrogation of petitioner on any other count except for effecting recovery of remaining dowry articles/Istri-dhan. The aspect, as to what all are the dowry articles/Istri-dhan in question in the present case & whether the entire dowry articles have been or not, shall be essentially gone into during the course of trial. No accentuating circumstances are decipherable, from the factual matrix of the present case, so as to direct the petitioner to deposit any amount towards the alleged non-recovery of



complete dowry articles. No such misconduct by the petitioner has been pointed out which may dissuade this Court from confirming the interim anticipatory bail to the petitioner.

6. Keeping in view the entirety of the facts and circumstances of the case, especially the factum of the petitioner having joined investigation and his custodial interrogation is being required only for recovery of dowry articles, this Court deems it appropriate to extend the concession of interim bail earlier granted to the petitioner.

7. In view of the above, the instant petition is allowed. The interim order dated 24.10.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

8. 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.

9. 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 482(2) of BNSS or upon showing any other sufficient cause.

10. 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

3.12.2024

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No