



CRM-M-56988-2023 (O&M)

- 1 -

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56988-2023 (O&M)
DATE OF DECISION : 25.10.2024

TARUN CHOPRA

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

None for respondent No.2.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 88 dated 09.10.2023 registered under Sections 406, 498-A IPC at Police Station Women Patiala, District Patiala.

2. On 10.11.2023 following order was passed:

“xxxx

Learned counsel for the petitioner *inter alia* contends that the petitioner has never demanded any dowry from respondent No. 2. It is normal wear and tear of the matrimonial life. The petitioner is ready to settle the matter in case the matter is referred to the Mediation and Conciliation Centre.

Notice of motion subject to deposit of Rs.25,000/- as litigation expenses with the Registry of this Court, payable to respondent No. 2 on her appearance.

On the asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by



CRM-M-56988-2023 (O&M)

- 2 -

the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51: Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352*, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 22.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Paramjit Singh, submits that the petitioner has joined investigation. However, recovery is yet to be effected.

4. As per order dated 25.01.2024, parties were referred to the Mediation and Conciliation Centre of this Court. However, the mediation has failed.

5. On 20.05.2024, respondent No.2 informed that passport of the first informant and vaccination card of the child apart from dowry articles are still in possession of the petitioner. The petitioner was directed to again join the investigation and co-operate.

6. Learned State counsel has informed that thereafter the petitioner has again joined the investigation on 05.06.2024.

**CRM-M-56988-2023 (O&M)****- 3 -**

7. The allegations and counter-allegations *inter se* the petitioner and respondent No.2 are matter of trial. Petitioner has joined the investigation twice.

8. In view of the aforesaid facts and the reasons recorded in the order dated 10.11.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 10.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

25.10.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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