

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

**CRM-M-57603 of 2023 (O&M)
DATE OF DECISION :- 25.01.2024**

Karan Sehgal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Saransh Sabharwal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Keshav Pratap Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Apprehending his arrest in FIR No. 338 dated 28.09.2023 registered for offences punishable under Sections 313,315 (deleted later on), 323,376,377,34,406,420,498-A,506,511 (added later on) of IPC at Police Station Sector 5, Panchkula, Haryana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. On 20.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 338 dated 28.09.2023 registered for offences punishable under Sections 313 and 315 (deleted later on) and Sections 323, 376, 377, 406, 420, 498-A, 506, 511 and 34 IPC (added later on) at Police Station Sector-5, Panchkula; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner is the husband of the complainant and the present case is outcome of a matrimonial discord; it is a case of second marriage of both the spouses; the

matter was sought to be compromised before DLSA of Panchkula but the same could not materialise; the petitioner is willing for one time settlement & he is willing to join investigation and cooperate therein as also make an earnest effort for recovery of the alleged dowry articles.

Adjourned to 25.01.2024.

The petitioner is directed to appear before the Investigating Officer on 23.01.2024 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 438(2) of the Cr.P.C.

3. Learned State counsel on instructions from ASI Baljinder has stated that pursuant to the order dated 20.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, the entire dowry articles have not yet been recovered.

4. Learned counsel for the complainant pleads that the petitioner is intentionally not handing over the entire dowry articles and is evading to do so.

5. Faced with such situation, learned counsel for the petitioner states that the entire dowry articles have been handed over by him.

6. However, in order to lend quietus to the aspect of recovery of dowry articles for the present, the petitioner will deposit a sum of Rs.5 lakhs with the learned Illaqa Magistrate within ten days from today. On his doing so, learned Illaqa Magistrate will release the same in favour of the complainant upon due identification. This shall be without prejudice to rights and contentions of rival parties.

7.

In view of above, the interim order dated 20.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
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 438(2) Cr.P.C., 1973 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

25.01.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No