



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53952-2024

Date of Decision : 02.12.2024

RAKESH KUMAR ALIAS RAKESH MALHOTRA

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Taranjot, Advocate for
Mr. Jasdeep Singh, Advocate,
for the petitioner(s).

Ms. Manjot Kaur, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 28.10.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition, filed under Section 482 of
BNSS of 2023, prayer is made for grant of pre-arrest bail in case FIR
No. 77 dated 22.8.2024, under Sections 406 and 120-B IPC, registered
at Police Station NRI, District Police Commissionerate Amritsar.

The instant FIR is registered by the father of the girl
Aanchal Puri, who has unfortunately died on 25.11.2023, in New
Zealand. The marriage between the son of the petitioner, and daughter
of the complainant, was solemnized way back on dated 22.10.2022. The
son of the petitioner went back to New Zealand on dated 22.8.2023,
whereas, the daughter of the complainant went to New Zealand in
September, 2023. The instant case has been registered after having
dispute regarding retention of the dowry articles by the present
petitioner.

Learned counsel for the petitioner, *inter-alia*, submits
that all the disputed gold articles, were taken away by the daughter-in-
law of the present petitioner, when she went to New Zealand, therefore,
there was no occasion for the petitioner to be in possession of any of
those gold articles.

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab waives service on
behalf of the respondent-State, whereas, Mr. Akhil Ahuja, Advocate, has

put in appearance on behalf of the complainant, and has filed Vakaltnama duly signed in his favour.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 482(2) of the BNNS, 2023.”

2. Today, the learned State counsel has, on instructions imparted to her by the police official concerned, stated that though in pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation, but he has not fully co-operated with the investigating officer concerned, as only one gold ornament has been got recovered by him, however rest of the gold ornaments are still required to be recovered.

3. On the other hand, learned counsel for the petitioner submits that the petitioner has fully co-operated with the investigating officer concerned.

4. This Court has considered rival submissions made by learned counsel for the parties concerned, and is of the view that merely because the recovery of some of the gold articles is to be effected, the petitioner cannot be denied the relief of anticipatory bail and further, a petition for anticipatory bail cannot be converted into a suit for recovery by this Court.

5. In view of the above, the hereinabove extracted interim order dated 28.10.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will

not be read granting petitioner(s) 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.

7. Needless to say that anything observed hereinabove shall not

be construed to be an opinion on the merits of the case.

8. All pending application(s), if any, also stand **disposed** of

accordingly.

December 02, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No