

203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5721-2024
Date of decision: 28.01.2025

RAGHAV KIRPAL

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

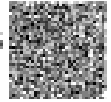
Present:- Mr. Deepak Sabherwal, Advocate and
Ms. Reetika Sabherwal, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

None for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.02 dated 20.01.2024, under Sections 406 and 498-A of the IPC, registered at Police Station Women, District Police Commissionerate Ludhiana, Punjab.
2. Learned counsel for the petitioner submitted that it is a case where the marriage between the petitioner and respondent No.2 took place on 08.12.2022 and respondent No.2 lived with the petitioner only for a short time i.e. till 26.05.2023 and she left the company of the petitioner and thereafter, the aforesaid FIR was lodged under Sections 406 and 498-A of the IPC by alleging routine and casual kind of allegations against the petitioner. He further



submitted that as per the allegations, some dowry articles including the ornaments have not been returned by the petitioner to respondent No.2.

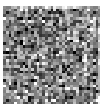
3. Learned counsel for the petitioner further submitted that in fact the petitioner has already supplied a list of articles which have been returned to respondent No.2 and rather the present matter was also sent to the Counsellor of the High Court Legal Services Committee but despite best efforts made by the Counsellor to counsel the parties, the same could not be fruitful. He further submitted that prior to the order passed by this Court on 02.02.2024, the petitioner had earlier also joined the investigation in pursuance of notice issued to him under Section 41-A(1) Cr.P.C. and after the passing of the aforesaid order on 02.02.2024, again the petitioner has joined the investigation for 3 times and he has fully cooperated with the investigation process. He also submitted that in view of the aforesaid facts and circumstances, the petitioner may be granted the concession of anticipatory bail.

4. On the other hand, Mr. Shiva Khurmi, AAG, Punjab, on instructions from ASI Davinder Pal Singh, submitted that in pursuance of the order passed by this Court on 02.02.2024, the petitioner has already joined the investigation and he is fully cooperating with the investigation process. He has however submitted that he is unaware as to whether the petitioner has returned all the dowry articles to the respondent No.2 or not.

5. Learned counsel for respondent No.2 is not present in the Court today.

6. I have heard the learned counsels for the parties.

7. Vide order dated 02.02.2024, interim anticipatory bail was granted to the petitioner and as per the learned State counsel, the petitioner has already



joined the investigation and he is fully cooperating with the investigation process. So far as the dowry articles are concerned, on 22.07.2024, it was the contention of the learned counsel for the petitioner that 4 gold ornaments and 1 diamond ring have been returned by the petitioner during investigation. Thereafter, the matter was sent to the Counsellor of the High Court Legal Services Committee for counselling of the parties but as per the learned counsel for the petitioner, the same could not be fruitful.

8. This Court is of the considered view that as to whether the entire gold ornaments or other articles of dowry have been returned or not will be a matter of evidence, which can be led at the time of trial by way of leading evidence but the present is a petition, whereby the prayer is only for grant of anticipatory bail to the petitioner, to which the petitioner has already joined the investigation and he has fully cooperated with the investigation process.

9. In view of the aforesaid facts and circumstances, the present petition is allowed and the order dated 02.02.2024, is hereby made absolute.

28.01.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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