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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41966-2024
Date of decision: 11.02.2025

SAJID SAIFI

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aayush Gupta, Advocate for the petitioner.

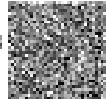
Mr. P. S. Bhandari, AAG, Punjab.

Mr. J. S. Jaidka, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioner in FIR No.59 dated 31.07.2024, 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 a matrimonial dispute arose between the petitioner and respondent No.2 and efforts were also made for reconciliation through mediation in the Mediation and Conciliation Centre of this Court but unfortunately the same failed. He further submitted that when notice of motion was issued by this Court on 29.08.2024, it was directed that petitioner shall handover a demand draft of Rs.20,000/- to respondent No.2 as litigation costs. He further submitted that it was also directed that in the meanwhile, the arrest of the petitioner shall remain



stayed with a further direction that the petitioner shall not leave India without the prior permission of the learned trial Court/CJM concerned.

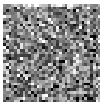
3. Learned counsel for the petitioner also submitted that in pursuance of the order passed by this Court on 20.11.2024, the petitioner has joined the investigation and has fully cooperated with the investigation process and all the gift/dowry articles have been returned to respondent No.2-wife and regarding which even a recovery memo was also prepared. He further submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of anticipatory bail.

4. On the other hand, Mr. P. S. Bhandari, AAG, Punjab has submitted on instructions that the petitioner has joined the investigation and has fully cooperated with the investigation process and he is not required for custodial interrogation. He further submitted that most of the articles have been returned to respondent No.2 but some of the articles are still left because as per his instructions, 70 articles have been returned.

5. Learned counsel for respondent No.2 submitted that all the gift/dowry articles have not been returned to respondent No.2 by the petitioner and therefore, he does not deserve the concession of anticipatory bail. He also submitted that the parties had appeared before the Mediation and Conciliation Centre of this Court in pursuance of the order passed by this Court on 29.08.2024 for mediation but the same failed.

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

7. When notice of motion was issued by this Court on 29.08.2024, the arrest of the petitioner was directed to be stayed and vide order dated 20.11.2024, the petitioner was directed to join the investigation. Learned State



counsel submitted that in pursuance of the order passed this Court on 20.11.2024, the petitioner has joined the investigation and has fully cooperated with the investigation process and he is not required for custodial interrogation. However, some of the dowry articles have not been returned.

8. After hearing the learned counsels for the parties, this Court is of the considered view that since in pursuance of order passed by this Court on 20.11.2024, the petitioner has joined the investigation and as per the learned counsel for the petitioner and learned State counsel, he has fully cooperated with the investigation process, the mere fact that some of the dowry articles have not been returned to respondent No.2-wife as alleged by her itself cannot become a ground for denial of anticipatory bail to the petitioner because it affects the Right to Liberty. As per the learned State counsel, 70 articles have been returned to respondent No.2-wife by the petitioner during the course of investigation. Apart from the above, even the matter was sent to the Mediation and Conciliation Centre of this Court for mediation but the same could not be fruitful.

9. In view of the aforesaid facts and circumstances, the present petition is allowed and the order dated 20.11.2024, is hereby made absolute.

10. The condition imposed by this Court on 29.08.2024, vide which it was so directed that the petitioner shall not leave India without the prior permission of the learned trial Court/CJM concerned, shall continue.

(JASGURPREET SINGH PURI)
JUDGE

11.02.2025
Chetan Thakur

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