



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

209

CRM-M-44234-2024

Date of decision: 14.02.2025

ANGAD HORA

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab.

Mr. Atul Goyal, Advocate for respondent No.2.

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SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case bearing FIR No.47 dated 29.06.2024, registered for the offences punishable under Sections 406 and 498-A of IPC at Police Station Women, District Ludhiana.

2. On 15.10.2024 , the following order was passed:-

*“Reply (along with documents) on behalf of respondent No.2 has been filed in the Court today and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.*

*Inter alia contends that the genesis of the FIR in question is a matrimonial discord between the petitioner and complainant/respondent No.2; petitioner is willing to return the dowry articles/istridhan including gold articles in his possession to complainant/respondent No.2; petitioner is ready for an amicable settlement as well & petitioner is willing to join investigation and cooperate therein in accordance with law. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.*

*Adjourned to 20.11.2024. The petitioner is directed to appear before the Investigating Officer on 19.10.2024 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 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”*

Thereafter, the parties were relegated to Mediation and Conciliation Centre of this Court vide order dated 20.11.2024 earlier passed by this Court but the same could not fructify.

3. Learned counsel for the petitioner has submitted that no dowry articles/*Istri-dhan* are in possession of the petitioner and, in fact, the entire dowry articles/*Istri-dhan* is with the aggrieved-wife.

4. Learned State counsel, on instructions from Davinder Pal Singh, has stated that pursuant to the order dated 15.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned State counsel as also the learned counsel for the complainant have submitted that only partial recovery of dowry articles has been effected and remaining dowry articles are yet to be recovered.

5. Learned counsel for the complainant/respondent No. 2 has filed reply and has raised submissions in tandem with the said reply.

6. I have heard the learned counsel for the rival parties and have perused the paper book.

7. It will be apposite to refer to a judgment dated 12.02.2024 passed by this Court in CRM-M-60647-2023 titled as **“Varun Sharma Vs. State of Punjab and another”**, relevant whereof reads as under:



*“11. As a sequel to the above said discussion, the following principle of law emerge :-*

*(I) Non-recovery of dowry articles/Istri-dhan cannot ordinarily be a ground, by itself, for declining a plea for grant of anticipatory bail to the husband or his relatives.*

*(II) The conduct of an accused, is indeed, a relevant factor for consideration of a plea for grant of anticipatory bail on behalf of such accused. Such conduct would also include the cooperation, in accordance with law, extended by such accused for recovery of dowry articles/Istri-dhan. Whether or not such cooperation was extended by the accused would be ascertainable from the facts and circumstances of a given case.*

*(III) In exceptional cases, if the peculiar and/or accentuating facts/circumstances of the case so warrant, a Court would be well within its discretion to pass a direction to the petitioner- accused to deposit in Court or remit to the complainant-wife an appropriate amount towards the Istri-dhan/dowry articles. Needless to state herein that it is neither possible nor desirable to enumerate a set of guidelines in this regard & a Court would have to exercise its judicial discretion in this regard in the facts and circumstances of a given case.”*

8. Non-recovery of dowry articles/Istri-dhan in entirety thereof cannot, by itself, be a cause for rejection of the present plea for anticipatory bail by the petitioner especially when the State does not require custodial interrogation of petitioner on any other count except for effecting recovery of remaining dowry articles/Istri-dhan. The aspect, as to what all are the dowry articles/Istri-dhan in question in the present case & whether the entire dowry articles have been or not, shall be essentially gone into during the course of trial. No accentuating circumstances are decipherable, from the



factual matrix of the present case, so as to direct the petitioner to deposit any amount towards the alleged non-recovery of complete dowry articles. No such misconduct by the petitioner has been pointed out which may dissuade this Court from confirming the interim anticipatory bail to the petitioner.

9. In view of above, the petition is allowed and interim order dated 15.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

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

11. 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 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

12. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)  
JUDGE

February 14, 2025  
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