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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 07.02.2025

(I) CRM-M-47228-2024

JASWANT SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

(II) CRM-M-47496-2024

HARKIRAT SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. A. K. Khunger, Advocate for the petitioner(s) in both the cases.

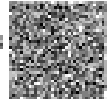
Mr. P. S. Bhandari, AAG, Punjab.

Mr. Loveneet Thakur, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsels for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for grant of anticipatory bail.

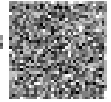
2. Both the petitions have been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioners in FIR No.65 dated 15.07.2024, under Sections 498-A, 406 of the IPC (Offences under Sections 498-A, 406 of the IPC were subsequently converted into offences under



Sections 85, 316(2) BNS vide DDR No.26 dated 01.09.2024), registered at Police Station Sadar Jalalabad, District Fazilka, Punjab.

3. The aforesaid FIR was registered by respondent No.2-wife against her husband, namely, Harkirat Singh and in-laws. CRM-M-47228-2024 has been filed by the father-in-law of respondent No.2 and CRM-M-47496-2024 has been filed by the husband of respondent No.2 for the grant of anticipatory bail. As per the allegations, the marriage between the petitioner, namely, Harkirat Singh and respondent No.2 was solemnized on 10.11.2023 and some articles were given as gift which included one gold bracelet weighing 1-1/4 tolas, ring weighing half tola, motorcycle Hero Splendor to petitioner-husband, gold ring of half tola to father-in-law, gold earrings of one tola to mother-in-law, one gold ring weighing five aannas to elder brother-in-law, one gold ring weighing five aannas to elder sister-in-law and two pairs of gold earrings weighing 1-1/2 tolas to respondent No.2-wife, totalling approximately 5-1/2 tolas. Apart from the above, some furniture was also given including double bed, one LED, sofa set, table, almirah and utensils etc.

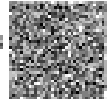
4. A matrimonial discord took place between the petitioner-Harkirat Singh and respondent No.2, which resulted into lodging of the present FIR. Both the petitioners i.e. the husband and father-in-law of respondent No.2 filed their respective anticipatory bail applications before the learned Sessions Court and both of them were granted interim bail and both of them joined the investigation. However, their anticipatory bail applications were dismissed on the ground that although they have joined the investigation but some of the aforesaid articles have not been returned.



5. Thereafter, both the petitioners filed their respective anticipatory bail petitions before this Court, which are the present petitions and in the petition filed by the husband i.e. CRM-M-47496-2024, vide order dated 23.09.2024, the parties were directed to appear before the Mediation and Conciliation Centre of this Court on 14.10.2024 for exploring the possibility of an amicable settlement and it was further directed that in the meantime, no coercive action shall be taken against the petitioner-Harkirat Singh. So far as the petition filed by father-in-law of respondent No.2 i.e. CRM-M-47228-2024 is concerned, vide order dated 23.09.2024, he was granted interim anticipatory bail. The parties in CRM-M-47496-2024 appeared before the Mediation and Conciliation Centre of this Court and as per the report received from the Mediator, the mediation failed.

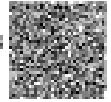
6. Mr. P. S. Bhandari, AAG, Punjab submitted on instructions that both the petitioners had joined the investigation at the time when interim bail was granted to them by the learned Sessions Court but their anticipatory bail applications were eventually dismissed on the ground of non-return of some of the dowry articles. He further submitted that thereafter, when the anticipatory bail petition was filed by the father-in-law, then he was granted the benefit of interim anticipatory bail by this Court on 23.09.2024, whereas in the petition filed by the petitioner-husband, it was directed that no coercive action shall be taken against him.

7. Today, learned State counsel on instructions submitted that in pursuance of the order passed by this Court on 23.09.2024, the father-in-law of respondent No.2 has joined the investigation and has fully cooperated with the investigation process. So far as the petitioner-husband is concerned, there was a



direction by this Court that no coercive action shall be taken against him but during the pendency of the petition, he did not join the investigation, which may be because the matter was sent to the Mediation and Conciliation Centre of this Court but he did join the investigation at the time when he was granted interim bail by the learned Sessions Court. He also submitted that the only dispute which remains is with regard to some of the dowry articles which are yet to be returned, which are the valuable articles, although some of the dowry articles of lesser value i.e. furniture etc. have already been returned at the time when earlier the petitioner-husband joined the investigation.

8. Learned counsel for both the petitioners submitted that it is not the case that the petitioners are evading from the process of law but it is a case that even at the time when they were granted interim bail by the learned Sessions Court, they had joined the investigation and all the dowry articles were returned, although it has come on record that some of the dowry articles have been returned and remaining articles pertaining to jewellery have not been returned and this entire matter was considered at the time when mediation took place but unfortunately the same failed. He further submitted that the mere fact that, if at all, assumingly some of the dowry articles have not been returned, the same cannot become a ground for denial of anticipatory bail to the petitioners especially when the petitioner-husband had *bona fide*ly submitted himself before the Mediation and Conciliation Centre of this Court. He referred to the order passed by the Mediator on 29.11.2024, wherein it was so recorded that joint and separate sessions were held with the parties and despite best efforts, parties could not arrive at an amicable settlement. He further submitted that the interim anticipatory bail granted to the father-in-law of respondent No.2



(petitioner in CRM-M-47228-2024) by this Court vide order dated 23.09.2024 may be made absolute and the petitioner-husband may be granted the concession of anticipatory bail.

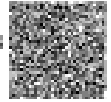
9. Learned counsel for both the petitioners also submitted on specific instruction from the petitioners that both the petitioners undertake to join the investigation in future also as and when called by the Investigating Officer and also undertake to fully cooperate with the investigation process.

10. Learned counsel for respondent No.2 submitted that on the last date of hearing, it was so pointed out by the learned counsel for the petitioner(s) that respondent No.2-wife is rather willing to come back to the petitioner-husband and for that purpose, he had asked the respondent No.2-wife to come present in the Court today and in fact she had come to the Court today but because of bad health she has gone back and therefore, now she is not present in the Court. He further submitted that he had specifically asked from respondent No.2-wife as to whether she wishes to go back to her matrimonial home for rehabilitation or not, to which she stated that she does not want to go back. He also submitted that since all the dowry articles including gold items and motorcycle have not been returned, the petitioners should not be granted the concession of anticipatory bail.

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

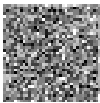
12. Learned counsels for the parties have submitted that after the parties in CRM-M-47496-2024 were directed to appear in the Mediation and Conciliation Centre of this Court vide order dated 23.09.2024, joint and separate sessions were held with the parties but the mediation failed. It is also

an admitted position that when both the petitioners were granted interim bail by



the learned Sessions Court, they had joined the investigation but their anticipatory bail applications were dismissed on the ground that some of the articles were not returned because those articles were of high value. So far as petitioner-Jaswant Singh (father-in-law of respondent No.2) is concerned, it is a stand of the learned State counsel that he has joined the investigation and has fully cooperated with the investigation process and so far as petitioner-Harkirat Singh (husband of respondent No.2) is concerned, he has stated that since there was no order to join the investigation, although it was directed that no coercive action shall be taken against him and the matter was sent to the Mediation and Conciliation Centre of this Court where the parties had been appearing, that was the reason as to why he was not asked to join the investigation. Learned counsel for both the petitioners has also given undertaking on behalf of the petitioners that both the petitioners will in future also join the investigation as and when called by the Investigating Officer.

13. This Court would therefore consider as to whether non-return of some of the dowry articles including jewellery can become a ground for denial of anticipatory bail to the petitioners. At the time of consideration of grant of anticipatory bail, Court has to strike a balance between the nature of allegations made and personal liberty of an individual. The present is a matrimonial dispute between the parties. Both the petitioners had joined the investigation at the time when their anticipatory bail applications were pending before the learned Sessions Court and even petitioner-Harkirat Singh submitted himself before the Mediation and Conciliation Centre of this Court since it was so directed by this Court to appear before the Mediation and Conciliation Centre of this Court and



as per the report of the Mediator, joint and separate sessions were held in this regard but the mediation failed.

14. Therefore, on the one hand, there is an allegation of non-return of some of the jewellery items and on the other hand, liberty of both the petitioners is a matter of consideration. This Court is of the view that considering the aforesaid sequence of events and totality and circumstances of the present case and also the undertaking given by the learned counsel for both the petitioners on behalf of the petitioners that in future also in case they are required for investigation then they will join the investigation and will fully cooperate with the investigation process, the liberty of the petitioners will be a dominant factor, whereas non-return of some of the dowry items including jewellery would be a subservient factor.

15. Consequently, both the petitions are allowed. The order dated 23.09.2024 passed in CRM-M-47228-2024 i.e. petition filed by father-in-law of respondent No.2, is hereby made absolute. In a petition filed by the husband of respondent No.2 i.e. CRM-M-47496-2024, it is directed that in case in future the petitioner is required to join the investigation process, then he shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 482(2) of the BNSS, 2023.

(JASGURPREET SINGH PURI)
JUDGE

07.02.2025
Chetan Thakur

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