

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No 888 of 2020
(Arising out of SLP (Crl) No 5213 of 2019)**

Satinder Rikhi

.... Appellant(s)

Versus

State of Punjab & Anr

....Respondent(s)

ORDER

- 1 Leave granted.
- 2 The Punjab and Haryana High Court, by an order dated 28 May 2019, dismissed the application of the appellant for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure 1973.
- 3 The appellant is implicated in connection with FIR No 2 dated 21 January 2019 under Sections 498A and 406 of the Indian Penal Code 1860 registered at PS Women, Ferozepur.
- 4 The High Court, while denying anticipatory bail, observed that though the appellant was given a chance to return the *Stridhan* articles of his spouse (the complainant), he has “flatly refused” to do so. In this context, Ms Jaspreet Gogia, learned Standing Counsel for the State of Punjab and Mr Vishal Mahajan, learned counsel appearing on behalf of the second respondent, have placed reliance on an earlier order of the Single Judge of the High Court dated 5 March 2019 recording the undertaking of the appellant to return the *Stridhan* articles

within a period of fifteen days. It was submitted that despite the undertaking before the Single Judge, all the *Stridhan* articles were not returned as a result of which, the application for anticipatory bail was dismissed.

- 5 Mr Karan Kapoor, learned counsel appearing on behalf of the appellant, made an attempt to demonstrate that the *Stridhan* articles were returned, but conspicuous in the list appended to the synopsis is the absence of the *Stridhan* articles of the complainant herself, namely, the gold jewelery and ornaments.
- 6 Mr Vishal Mahajan, learned counsel appearing on behalf of the second respondent, states that about ten tolas of gold were given to the second respondent during the marriage ceremony which still remain to be returned.
- 7 In order to obviate any controversy in regard to the availability of the ornaments, Mr Karan Kapoor, learned counsel appearing on behalf of the appellant, has sought instructions and states after receiving them that the appellant would hand over, within a period of one month from today, a demand draft in the amount of Rs 5.50 lakhs to the second respondent being the monetary value of the gold ornaments. This is acceptable to the second respondent, as stated before the Court by her counsel.
- 8 In the circumstances, we order and direct as follows:
 - (i) The appellant shall, in the event of his arrest, be released on bail, subject to such terms and conditions as may be imposed by the trial court in connection with FIR No 2 dated 21 January 2019 registered at PS Women, Ferozepur
 - (ii) The order which has been passed under (i) above shall be subject to the condition that the appellant shall, on or before 20 January 2021, pay over a demand draft in the amount of Rs 5.50 lakhs to the second respondent directly

and shall produce proof of the payment before the investigating officer. In the event that the appellant fails to do so, he shall lose the benefit of the order of this Court granting him anticipatory bail.

9 The appeal is accordingly disposed of.

10 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[Indira Banerjee]

**New Delhi;
December 18, 2020**

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- 3 The appeal is accordingly disposed of.
- 4 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)
COURT MASTER