

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

211

CRM-M-3497-2022

Date of Decision:12.09.2022

**RAKESH KUMAR @ RAKESH GARG AND ANOTHER  
...PETITIONERS**

**VERSUS**

**STATE OF PUNJAB  
...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Ajay Singla, Advocate for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. S.S. Brar, Advocate for the complainant.

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**SUVIR SEHGAL, J.(ORAL)**

On 31.01.2022, this Court passed the following order:-

*“Heard through video conferencing.*

*Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0039 dated 03.09.2021, registered for offences under Sections 406, 498-A, 420 and 120-B of the Indian Penal Code, 1860, at Police Station NRI, District Police Commissionerate, Ludhiana (Annexure P-1).*

*Counsel for the petitioners contends that the petitioners, who are the husband and wife, are alleged to be intermediaries in marriage and the allegation against them is that they concealed the health condition and economic status of the groom from the family of the complainant. Counsel submits that the husband of the complainant was born and brought up in Canada and the petitioners had never met him till his marriage. Still further, he contends that some relatives of the complainant had gone to Canada and met the prospective bridegroom's family before the marriage was fixed. Counsel submits that as per the allegations in the FIR, two gold rings, weighing two tola each, have been entrusted to the petitioners, which they are willing to return, without admitting the allegations.*

*Notice of motion.*

*On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the respondent-State. He is assisted by Mr. Sonpreet Singh Brar, Advocate for the complainant.*

*List on 25.04.2022.*

*Meanwhile, the petitioners shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.*

*Upon joining the investigation, the petitioners will return the articles allegedly in their possession to the Investigating Officer, which will be handed back to the complainant. This will be without prejudice to the rights of defence of the petitioners.”*

Upon instructions from ASI Narinjan, State counsel submits that the petitioners have joined the investigation and are no longer required for custodial interrogation.

During the course of pendency of this petition, a statement was made by counsel for the petitioners that two gold rings were entrusted to them, which they returned on joining the investigation. Counsel for the complainant submits that the gold rings returned by the petitioners were not the ones entrusted to him, therefore, the complainant refused to accept the same. In order to show their *bona fide*, counsel for the petitioners made a statement that they are prepared to deposit a sum of Rs.2 lac with the trial court, without prejudice to their right of defence.

By referring to the certified copies of the documents produced from the trial court, counsel for the petitioners submits that the amount of Rs.2 lac has been deposited and has been kept in a fixed deposit in terms of the order passed by this Court on 25.04.2022.

In view of the above, present petition is allowed and order dated 31.01.2022 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

It is reiterated that the amount of Rs.2 lac deposited by the petitioners shall be retained in a fixed deposit with a Public Sector Bank for a period of six months with instructions for automatic renewal. The deposited amount alongwith accrued interest will be paid to the party, who is found entitled to the same, at the time of conclusion of the trial.

It is clarified that the deposit of the amount by the petitioners will be without prejudice to their right of defence.

12.09.2022  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |