

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

205

**Criminal Misc. No. M-793 of 2023**

**Date of decision :-04.08.2023**

**Amarjeet Singh**

**.....Petitioner**

**Versus**

**State of Punjab and another**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Arjun Veer Sharma, Advocate  
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Vaibhav Sharma, Advocate  
For respondent No.2.

**NIDHI GUPTA J. (Oral)**

The petitioner is seeking anticipatory bail in FIR No.113 dated 23.12.2022, under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala.

On 09.1.2023, this Court had passed the following order

:-

*“This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner/husband in case FIR No.113 dated 23.12.2022, registered under Sections 406 and 498-A of IPC at Police Station Women, District Patiala.*

*The marriage between the parties was solemnized on 26.01.2012 and a male child was born out of the said wedlock on 19.01.2013. By*

*referring to two compromises dated 01.06.2022 and 13.07.2022 (Annexures P-2 and P-4 respectively) entered into between the parties for settlement of their matrimonial disputes, it has been stated by learned counsel for the petitioner that there are no allegations of dowry etc. in those compromises, as have been levelled in the instant FIR. Reference has also been made to Annexure P-3, i.e., the list of dowry articles, which are said to have been taken by the complainant from her matrimonial house on 27.06.2022.*

*Learned counsel for the petitioner undertakes that the petitioner will hand over the said articles to the complainant referred to in the list (Annexure P-3) lying in his rental accommodation, except the gold articles mentioned at item Nos. 11, 12, 13 and 14, which are with the complainant.*

*Notice of motion.*

*Mr. Jashandeep Singh, Assistant Advocate General, Punjab, who is on advance notice, has put in appearance on behalf of the respondent-State and Mr. Vaibhav Sharma, Advocate has put in appearance on behalf of respondent No.2/complainant by filing vakalatnama, which is taken on record.*

*Adjourned to 28.02.2023 for arguments.*

*In the meanwhile, subject to the petitioner joining the investigation as and when called upon to do so by the Investigating Officer, as also abiding by other conditions of Section 438 (2) Cr.P.C., in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer.*

*At this stage, learned counsel for the petitioner and the complainant submit that the disputes between the parties can be amicably settled, and for that purpose the case may be referred to the Mediation and Conciliation Centre of this Court.*

*Ordered accordingly.*

*The parties are directed to appear before Mediation and Conciliation Centre of this Court on 24.01.2023.*

*The petitioner is directed to pay an amount of Rs.25,000 to respondent No.2/complainant on her appearance for settlement before the mediator.*

*Report of the mediator be awaited for the date fixed.”*

Learned State counsel, on instructions from the Investigating Officer states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation but some recovery is yet to be effected from the petitioner.

Learned counsel for the petitioner submits that in pursuance to the order dated 09.1.2023 passed by co-ordinate Bench of this Court, the petitioner has joined the investigations on 13.1.2023 and even partial recovery has been effected from the petitioner. Thereafter the challan was presented on 11.5.2023. In reply to the submissions of learned State counsel, learned counsel for the petitioner relies upon the judgment of Hon'ble Supreme Court in ***Bimla Tiwari vs. State of Bihar and others, passed in Special Leave Petition (Crl.) Nos.834-835 of 2023, on 16.01.2023*** wherein it is held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the above, the order dated 09.1.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 04, 2023

Vijay Asija

**( NIDHI GUPTA )**  
**JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No