

CRM-M-2126-2023

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2023:PHHC:094865

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
207

CRM-M-2126-2023

Date of Decision: 26.07.2023

Navdeep Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. A.S. Brar, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. S.K. Choudhary, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in 264 dated 18.11.2022 registered under Sections 498-A, 120-B and 406 IPC at Police Station Dharamkot, District Moga.

On 20.01.2023, this Court had passed the following order :-

“CRM-3464-2023

This is an application filed by the petitioner u/s 482 Cr.P.C. for impleading the complainant Navpreet Kaur as respondent no. 2 in the array of parties in the present petition.

For the reasons enumerated in the application, the same is allowed.

Ms. Navpreet Kaur is impleaded as respondent no. 2 in the present petition. Amended memo of parties is taken on record.

The application stands disposed of.

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Mr. S.K. Choudhary, Advocate has filed memorandum of appearance on behalf of respondent No. 2.

Navdeep Singh has filed anticipatory bail petition

under Section 438 Cr.P.C. in FIR No. 264 dated 18.11.2022 under Section 498-A, 120-B, 406 of IPC, registered at Police Station Dharamkot, District Moga.

The counsel for the petitioner as well as respondent no. 2 have expressed their desire for referring the matter to Mediation and Conciliation Centre.

In view of this, both the parties are directed to appear before the Mediation and Conciliation Centre on 02.02.2023. The petitioner is liable to pay Rs. 10,000/- towards litigation expenses to respondent no. 2 before the mediator.

In the meantime, the arrest of the petitioner is stayed till next date, subject to joining of investigation.

To await the report, list again on 09.03.2023.

Status report be also filed by respondent – State by the adjourned date.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned counsel for respondent No. 2-complainant submits that although the petitioner has joined the investigation, but recovery of dowry articles is yet to be effected from him.

Learned State counsel, on instructions from ASI Jaswir Singh, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and partial recovery has been effected from him. This fact has also been mentioned in para 7 of the reply dated 09.03.2023 filed by learned counsel for the State.

I have heard learned counsel for the parties.

Hon'ble the Supreme Court in **Bimla Tiwari vs. State of Bihar and others, Law Finder Doc ID # 2110551**, has held that “matter of grant of bail is not akin to money recovery proceedings”.

In view of the above, the order dated 20.01.2023 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.

26.07.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No