

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-6363-2022

Date of decision: 24.08.2023

PARVEEN KUMAR

...Petitioner

VERSUS

STATE OF UT CHANDIGARH AND ANOTHER

...Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Dr. Sumati Jund, Advocate
for the petitioner.

Mr. Yashwant Singh Rathore, Addl. P.P. U.T. Chandigarh.

Mr. Mayur Karkra, Advocate
for respondent No.2.

NIDHI GUPTA, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No.93 dated 15.12.2021 under Sections 406 & 498-A of IPC registered at Women Police Station Sector 17, Chandigarh (Annexure P-1).

On 19.07.2022, Co-ordinate Bench of this Court had passed the following order :-

“Report has been received from the Mediation Centre that attempts to bring about settlement between the parties, have not yielded any result.

Upon instructions from ASI Dalbir Singh, State counsel submits that recovery has to be effected from the petitioner.

Let the petitioner join investigation on 09.08.2022 at 10.00 a.m., at Women Police Station, Sector 17, Chandigarh and cooperate with the

Investigating Agency and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

List on 13.12.2022.”

Learned State counsel, on instructions from ASI Dalbir Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

However, learned counsel for respondent No. 2-complainant submits that the matter pertains to a matrimonial discord between the parties. He further submits that though the petitioner has joined the investigation, but recovery of dowry articles is yet to be effected from him.

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 19.07.2022 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, he will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 24, 2023

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(NIDHI GUPTA)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No