

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

206

Criminal Misc. No. M-7020 of 2022

Date of decision :-25.07.2023

Pargat Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gurminder Singh, Advocate for
Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Pankaj Kalia, Advocate
For respondent No.2/complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.162 dated 27.10.2021, under Sections 498-A and 406 IPC, registered at Police Station City Khanna, District Ludhiana.

On 10.3.2022, this Court had passed the following order

:-

“Heard through Video Conferencing.

CRM-8837-2022

*Prayer made in the application is for
impleading the complainant, Rajbir Kaur D/o
Joginder Singh as respondent No.2.*

*For the reasons given in the application, it
is allowed.*

Complainant is ordered to be impleaded as party-respondent No.2.

Amended Memo of Parties is taken on record.

CRM-M-7020-2022

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No. 162 dated 27.10.2021, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station City Khanna, District Ludhiana, Punjab (Annexure P-1).

Counsel for the petitioner submits that the allegations levelled in the FIR are vague and general in nature. She submits that the petitioner has filed a petition under Section 13 of Hindu Marriage Act, 1955 seeking dissolution of marriage (Annexure P-3), although, it is subsequent to the filing of complaint by respondent No.2 on the basis of which present FIR has been registered. Still further, she submits that the in-laws of the complainant have been granted anticipatory bail by the Ld. Additional Sessions Judge, Ludhiana, vide order dated 25.11.2021 (Annexure P-2). Counsel has referred to the affidavit dated 28.02.2022 (Annexure P-5) filed by the petitioner, wherein he has given a list of items which have been returned. She has instructions to state that the petitioner will bear litigation and travelling expenses on behalf of the complainant-respondent No.2.

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-

respondent No.1. Upon instructions from ASI, Jagtar Singh, he submits that recovery of some of the dowry articles is yet to be effected from the accused.

Respondent No.2 be served for 10.08.2022.

Petitioner is directed to appear before the Investigating Officer at Police Station City Khanna, District Ludhiana on 28.03.2022 at 10.00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. 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.

The articles returned by the accused be released to the complainant-respondent No.2 in accordance with law.

On causing of appearance by the complainant-respondent No.2 before this Court, the petitioner will pay a sum of Rs.25,000/- to her as litigation and travelling expenses.”

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 10.03.2022 passed by co-ordinate Bench of this Court, the petitioner has joined the investigations. 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 10.03.2022 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 25, 2023

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No