

CRM-M-9348-2022

-1-

2023:PHHC:112335

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CRM-M-9348-2022

Date of Decision: 28.08.2023

Gopal Krishan

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Simranjeet Singh, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

Mr. Sushil Bhardwaj, Advocate for respondent No. 3.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in case FIR No. 0393 dated 21.11.2021 registered under Sections 498-A, 323 and 506 IPC (Section 406 read with Section 34 IPC was added later on) at Police Station Butana, District Karnal.

On 08.08.2022, this Court had passed the following order:-

“Report has been received from the Mediation Centre that mediation proceedings could not fructify.

Upon instructions from ASI Gulwinder Singh, State counsel submits that recovery is yet to be effected from the petitioner.

Petitioner is directed to join investigation on 16.08.2022 at 10:00 A.M., at Police Station Butana, District

Karnal 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 31.01.2023.”

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

Learned State counsel, on instructions from SI Subhash, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation, and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

However, learned counsel for respondent No. 3-complainant submits that the matter pertains to 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 08.08.2022 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 co-operate 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.

28.08.2023

rishu

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No