

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-14149-2022 (O&M)

Date of Decision: 11.09.2023

Manjinder Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. A.K. Walia, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. J.S. Virk, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 25 dated 09.02.2022 (Annexure P-1) registered under Sections 498-A, 406 and 506 IPC at Police Station, Hargobindpur, District Batala, Punjab.

On 14.02.2023, this Court had passed the following order:-

“Learned counsel for the petitioner submits that he is ready to take away the complainant to his home.

Learned counsel for the complainant submits that complainant is ready to accompany the petitioner.

Both the counsels are directed to seek appropriate instructions and if possible ask both the parties to be present in Court.

Learned State counsel, on instructions from ASI Tarlok Singh, submits that petitioner has not joined the investigation, whereas learned counsel for the petitioner submits that petitioner has already joined investigation twice.

Without going into the controversy of factum of joining investigation, the petitioner is directed to appear before Investigating Officer on 24.02.2023 and thereafter as

directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 10.03.2023.”

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 ASI Tarlok Singh, 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. 2-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 gold ornaments 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 14.02.2023, 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 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.

11.09.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No