

2023:PHHC:115995

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

268

CRM-M-21731-2023

Date of decision: 04.09.2023

SHARANJIT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND ANR

...Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Naresh Paul Chandel, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. G.S. Dhaliwal, Advocate
for respondent No.2.

NIDHI GUPTA, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No.0036 dated 14.02.2023 under Sections 406, 498-A and 506 of IPC, registered at Police Station Samrala, District Ludhiana (Annexure P-1).

2. On 01.05.2023, a co-ordinate Bench of this Court had passed the following order :-

“The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 0036 dated 14.02.2023 (Annexure P-1) under Sections 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Samrala, District Ludhiana.

At the outset, learned counsel for the petitioner submits that the marriage between the parties was solemnized in the year 2021 and they have been blessed with a son and due to some matrimonial discord, the differences arose between them, which has led to lodging of the present FIR.

Without going to the merits of the case at this stage,

learned counsel for the petitioner submits that, in fact, the matter be referred to the Mediation and Conciliation Centre of this Court, as there is a possibility of an amicable solution between the parties and the petitioner is still ready and willing to take her back to the matrimonial house and live a happy matrimonial life.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent No.1/State.

Let, notice be issued to respondent No.2 for 17.05.2023.

Dasti only.

In the meanwhile, the petitioner shall join investigation on 04.05.2023 at 10:00 A.M. before the Investigating Officer and get the recovery effected and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. and in case respondent No.2 agrees and consents for referring the matter to the Mediation and Conciliation Centre, the same shall be considered.

The petitioner is further directed to bring a demand draft in the name of respondent No.2-wife for a sum of Rs.11,000/- towards litigation expenses, which shall be handed over to her, if she consents for referring the matter to the Mediation Centre.

It is made clear that this order shall not be considered at the time of deciding the main petition on merits and this interim bail granted to the petitioner is only to explore the possibility of an amicable solution.

To be shown in urgent list.”

3. Learned State counsel, on instructions from ASI Mashinder Singh states that in terms of the order passed by a co-ordinate Bench of this

Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage. However, learned State counsel submits that only partial recovery has been effected from the petitioner.

4. Learned counsel for the complainant submits that whatever has been recovered may be released to the complainant.

5. Ordered accordingly.

6. I have heard learned counsel for the parties.

7. 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".

8. In view of the above, the order dated 01.05.2023 granting interim bail to the petitioner is made **absolute**.

9. 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.

10. 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.

11. The petition stands disposed of.

September 04, 2023

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**(NIDHI GUPTA)
JUDGE**

*Whether reasoned/speaking?
Whether reportable?*

*Yes/No
Yes/No*