

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
**209**

CRM-M-23115-2023

Date of Decision: 26.07.2023

Munish Sharma

.... Petitioner

Versus

State of Punjab and another

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Yogesh Goel, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

**NIDHI GUPTA, J. (ORAL)**

The petitioner is seeking anticipatory bail in case FIR No. 0020 dated 23.04.2023 registered under Sections 406 and 498-A IPC at Police Station Women, District Ludhiana.

On 08.05.2023, this Court had passed the following order:-

*“Munish Sharma has filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 0020 dated 23.04.2023 under Section 406/498-A of IPC, registered at Police Station Women, District Ludhiana.*

*It is argued that the allegations against him are vague. He is falsely implicated in this case. He is also ready to join the investigation and also ready for mediation.*

*Notice of motion.*

*On the asking of this Court, Mr. Mohinder Singh Joshi, Additional A.G. Punjab accepts notice on behalf of the State.*

*Considering the fact that the petitioner is ready to join the investigation and cooperate, his arrest is stayed till next date, subject to the joining of investigation.*

*Adjourned to 26.07.2023.*

*Status report be filed by the respondent – State by the*

*adjourned date.”*

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is co-operating with the investigating agency.

Status report dated 26.07.2023, filed by way of affidavit of Sh. Manjit Singh, PPS, Assistant Commissioner of Police, CAW&C-Cell, Ludhiana, on behalf of respondent No. 1-State, is taken on record. A copy thereof, has been supplied to learned counsel for the petitioner.

Learned State counsel, on instructions from SI Sukhwinder Singh, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and partial recovery has been effected from him. She further submits that the gold ornaments as well as the remaining items of '*Istridhan*' are yet to be recovered from him. This fact has also been mentioned in para 6 of the status report filed today in Court by learned counsel for the State.

Learned counsel for the petitioner refers to the contents of FIR (Annexure P-1) wherein the complainant herself had alleged that after leaving the matrimonial home on 21.01.2022, she had revisited her matrimonial home on 05.06.2022 and collected her certificates, ID proofs and other necessary articles. Learned counsel further submits that the petitioner is regularly paying the maintenance to the complainant-wife which is also evident from the receipts (Annexure P-3).

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 08.05.2023 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.

**26.07.2023**

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**( NIDHI GUPTA )  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**