

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

206

Criminal Misc. No. M-23354 of 2023

Date of decision :-13.10.2023

Rajnish Moudgil

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Atul Jain, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
assisted by HC Sanjeev Kumar.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.31 dated 12.4.2023, under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala.

On 09.5.2023, this Court had passed the following order

:-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No. 31 dated 12.04.2023 under Sections 406, 498-A IPC registered at Police Station, Women, District Patiala.

Learned counsel for the petitioner contends that the allegations against the accused are vague and general in nature. There is no specific attribution to the petitioner of any harassment or ill-treatment to the complainant-wife, nor any

specific demand of dowry has been alleged against him. On similar allegations, co-accused/father-in-law has already been granted pre-arrest bail by the trial Court vide order dated 28.04.2023 (Annexure P-3), and recovery of some of the alleged dowry articles has also been effected.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 26.09.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2)Cr.P.C.”

Learned State counsel, on instructions from HC Sanjeev Kumar states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

Mr. Deependra, Advocate has put in appearance on behalf of complainant and filed his Power of Attorney, which is taken on record. He opposes the prayer for grant of relief to the petitioner on the ground that some of the dowry articles are yet to be recovered.

Learned counsel for the petitioner submits that in pursuance to the order dated 09.5.2023 passed by co-ordinate Bench of this Court, the petitioner has joined the investigation. 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***

held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the fact that the petitioner has joined the investigation and as per the Investigating Officer, he is no more required for interrogation, the order dated 09.5.2023 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 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.

October 13, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No