

CRM-M-30094-2022

-1-

2023:PHHC:093219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRM-M-30094-2022

Date of Decision: 24.07.2023

Kuldeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr.P.K.S. Phoolka, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.0027 dated 14.06.2022 (Annexure P-1) registered under Sections 498-A, 406 and 506 IPC at Police Station Women Cell, District Bathinda.

On 17.11.2022, this Court had passed the following order :-

*“Learned counsel for the petitioner submits that petitioner is the husband of complainant and has been falsely implicated in the present case. It is submitted that the allegations pertaining to abortion were also found to be false during investigation and parties have resolved the dispute amicably. He submits that petitioner has filed a petition under section 9 of Hindu Marriage Act for reconciling the dispute. He submits that on earlier occasion parties had settled the dispute by way of a compromise, however, the complainant later on backed out and lodged the present FIR on the basis of false and frivolous allegations. Counsel has relied upon the judicial precedent of **Arnesh Kumar V. State of Bihar (2014) 8 SCC 273.***

Learned State counsel submits that investigation has not proceeded further as the petitioner was not directed to join investigation.

In view of the above position, order dated 15.7.2022

is modified to the extent of directing the petitioner to join the investigation.

Adjourned to 6.3.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

Learned State counsel, on instructions from ASI Satroop Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation. However, still some gold ornaments are yet to be recovered 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. Recovery of money is essentially within the realm of civil proceedings”.

In view of the above, the order dated 17.11.2022 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 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.

24.07.2023
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No