

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**205**

CRM-M-35349-2022

Date of Decision: 21.08.2023

Shiva Saini

.... Petitioner

Versus

State of Punjab and another

.... Respondents

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

Present: - Mr. Munish Puri, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. S.K. Choudhary, Advocate  
for respondent No. 2-complainant.

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

The petitioner is seeking anticipatory bail in case FIR No. 46 dated 03.06.2022 registered under Sections 498-A, 406, 323, 506 and 120-B IPC at Police Station Taragarh, District Pathankot.

On 09.08.2022, this Court had passed the following order:-

*“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.46 dated 3.6.2022 under sections 498-A, 406, 323, 506, 120-B I.P.C, registered at Police Station, Taragarh, District Pathankot.*

*Learned counsel for the petitioner has contended that the marriage in question took place on 7.5.2021, however, thereafter due to some temperamental differences the matrimonial discord took place between the husband and wife. Thereafter complainant left the matrimonial home despite the best efforts of the petitioner. He submits that petitioner is trying his level best to settle the dispute amicably irrespective of the false and frivolous allegations made in the FIR. He submits that all the allegations have been levelled only to harass the petitioner and his family. However, if the matter is referred to the Mediation &*

*Conciliation Centre of this court, the petitioner is keen to settle the dispute amicably. Counsel has placed reliance upon the judicial precedent in case of **Arnesh Kumar V. State of Bihar 2014 (3) SCC (CrL) 449** and states that custodial interrogation of the petitioner is not required in this case. It is further submitted that petitioner has no criminal antecedents as he has never been involved in any criminal offence, however, he is ready and willing to join the investigation.*

*Notice of motion for 15.11.2022.*

*Petitioner will pay an amount of Rs.25,000/- as litigation expenses to the complainant wife, within a period of one month from today.*

*On the asking of the court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab accepts notice on behalf of respondent no.1-State.*

*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 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 Balvir 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 dowry articles 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 09.08.2022 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 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.

**21.08.2023**  
*rishu*

**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**