

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

206

Criminal Misc. No. M-36334 of 2023

Date of decision :-25.09.2023

Munish

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Swati Verma, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.66 dated 26.06.2023, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Dhariwal, District Gurdaspur.

On 28.7.2023, this Court had passed the following order

:-

“Present is first petition under Section 438 Cr. P.C. seeking grant of anticipatory bail to the petitioner in case FIR No.66 dated 26.06.2023 under Sections 498-A, 406 and 120-B IPC registered at Police Station Dhariwal, District Gurdaspur.

Notice of motion.

Mr. Pankaj Khullar, AAG Punjab accepts notice on behalf of respondent-State.

Learned State Counsel is directed to file status report.

Adjourned to 25.09.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.”*

Learned State counsel files status report dated 21.9.2023 by way of affidavit of Lakhwinder Singh, PPS, Deputy Superintendent of Police, Rural, District Gurdaspur on behalf of respondent-State, which is taken on record. Learned State counsel referred to para 6 of the said status report to submit that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation, however, the gold is yet to be recovered from the petitioner.

In response, learned counsel for the petitioner submits that 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 has held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the above, the order dated 28.7.2023 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.

September 25, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No