

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

101+208

Criminal Misc. No.23827 of 2023 in/and
Criminal Misc. No. M-45648 of 2022 (O & M)
Date of decision :-09.08.2023

Raj Kaur**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. G.S. Ghuman, Advocate with
Mr. Dilpreet S. Virk, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
Assisted by SI Satish Kumar.

Mr. Prubjyot Sidana, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)**CRM-23827-2023**

Prayer in this application is for placing on record
Annexures P-3 to P-5.

The application is allowed subject to all just exceptions
and Annexures P-3 to P-5 are taken on record.

Main case

The petitioner, who is mother-in-law of the complainant,
is seeking anticipatory bail in FIR No.0003 dated 29.7.2022, under
Sections 406 and 498-A IPC, registered at Police Station NRI Police
Commissionerate Jalandhar.

On 30.09.2022, this Court had passed the following order

:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.03 dated 29.07.2022 under Sections 406, 498-A IPC, registered at Police Station NRI, Police Commissionerate, Jalandhar.

Learned counsel for the petitioner submits that the marriage of the son of the petitioner was solemnized with the complainant on 14.01.2022 and it was a simple marriage. The son of the petitioner is a permanent resident of United States of America. The complainant had stayed in the matrimonial house only for a period of 40 days. The petitioner is ready and willing to return the articles of istrydhan of the complainant.

Notice of motion.

Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State and seeks time to get instructions in the matter.

Mr. Prabjyot Singh, Advocate has put in appearance on behalf of the complainant and opposed the bail application on the score that complainant is getting threatening and abusive messages and calls from abroad. The details thereof have been provided to the Investigating Officer. However, the learned State counsel has already sought time to get instructions in the matter.

Adjourned to 03.11.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of

Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from SI Satish Kumar states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation but some recovery is yet to be effected from the petitioner.

Learned counsel for the complainant submits that the articles as described in Annexure R-2 are yet to be recovered from the petitioner.

Learned counsel for the petitioner submits that the petitioner has joined the investigation and all the dowry articles have been returned. He submits as far as the question of pendency of the articles as per Annexure R-2 is concerned, the same is a matter of trial. He submits that the marriage between the complainant and son of the petitioner was solemnized on 14.1.2022. The marriage was registered on 08.2.2022. Thereafter, husband returned to America on 27.2.2022 and it is only 27 days after the marriage, that the complainant moved a complaint to the police authority. He further submits that there are no children from the wedlock.

Learned counsel for the petitioner further submits that in pursuance to the order dated 30.9.2022 passed by co-ordinate Bench of this Court, the petitioner has joined the investigation. Hon'ble Supreme Court in the case ***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 above, the order dated 30.9.2022 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. She shall also join the investigation and cooperate with the investigating agency in case she 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.

August 09, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No